

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50879  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KEITH BRYANT WEBB,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. EP-96-CV-121  
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December 1, 1998

Before KING, BARKSDALE, and STEWART, Circuit Judges

PER CURIAM:\*

Keith Bryant Webb, a federal inmate (# 19665-080), appeals the district court's denial of his third motion to vacate sentence filed pursuant to 28 U.S.C. § 2255. Webb argues that the district court erred in denying his motion based on a finding that he abused the § 2255 procedure under Rule 9(b) of the Rules Governing Section 2255 Proceedings.

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Webb has failed to show cause for his failure to raise in his previous § 2255 motions his claims that the federal trial court lacked jurisdiction over him, nor has he shown that a fundamental miscarriage of justice will result if his claims are not entertained. See United States v. Flores, 993 F.2d 231, 234 (5th Cir. 1993); Saahir v. Collins, 956 F.2d 115, 120 (5th Cir. 1992) (§ 2254 case). The district court did not abuse its discretion in dismissing the § 2255 motion under Rule 9(b). See Saahir, 956 F.2d at 120.

Webb's "Petition in Response to the Lower Court Missing Initial Arraignment Transcript and Seal Court Order" is DENIED.

AFFIRMED.