

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50185
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARESTEDE JAMES TREADWAY,

Defendant-Appellant.

Appeal from the United States District Court for the
Western District of Texas
USDC No. SA-96-CR-241-1

March 13, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Arestede James Treadway ("Treadway") pleaded guilty to being a felon in possession of a firearm and to possession of an unregistered firearm and was sentenced to 120 months imprisonment on both counts to run concurrently.

Treadway entered into a plea agreement by which he waived his right to appeal his sentence on any ground except to the extent that the punishment imposed exceeded the statutory maximum for his offense. Because 120 months does not exceed the statutory maximum

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of ten years for violation of 18 U.S.C. § 922(g)(1)(firearm possession by a convicted felon) and 26 U.S.C. § 5861(d)(possession of a short barreled shotgun), we hold that this appeal is frivolous and therefore dismiss the appeal. See United States v. Melancon, 972 F.2d 566, 568 (5th Cir. 1992).

Counsel for Treadway is cautioned against filing further frivolous appeals and warned that such further filings may result in sanctions. If a defendant in a criminal case insists on pursuing a frivolous appeal, the appropriate course of action is for counsel to file a brief pursuant to Anders v. California, 368 U.S. 738 (1967).

All motions not previously ruled on are DENIED.

MOTIONS DENIED. APPEAL DISMISSED.
SANCTIONS WARNING ISSUED.