

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-10002
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MANUEL OROZCO VILLA,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CR-84-2-D
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Manuel Orozco Villa, federal prisoner # 26857-077, requests permission to proceed in forma pauperis (IFP) so that he may appeal from the district court's denial of his motion under 18 U.S.C. § 3582(c)(2). To proceed IFP on appeal, Villa must demonstrate financial eligibility and a nonfrivolous issue for appeal. Fed. R. App. P. 24(a); Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Villa argues that the district court erred in denying his motion for a reduction in his sentence. As Villa's ineffective-assistance-of-counsel arguments are not cognizable in a § 3582(c)(2) motion, the district court did not abuse its discretion in denying the motion. United States v. Pardue, 36 F.3d 429, 430 (5th Cir. 1994).

Villa has not presented a nonfrivolous issue for appeal. Accordingly, his motion for leave to proceed IFP is DENIED, and the appeal is DISMISSED AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. Villa's motion for appointment of counsel is also DENIED.

MOTIONS DENIED. APPEAL DISMISSED.