

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 18-60399
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 9, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

MARK ANTHONY HEAD,

Defendant - Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:15-CR-4-1

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:*

Mark Anthony Head appeals the denial of a postjudgment “Emergency Motion” citing Federal Rule of Civil Procedure 60(b)(4). He argued that Title 18 of the United States Code is void because it was not properly enacted in 1948.

Rule 60 does not apply in this criminal case. *See* FED. R. CIV. P. 1. Moreover, there was no other basis for the Emergency Motion. *See United*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994). Head has thus “filed an unauthorized motion which the district court was without jurisdiction to entertain,” and he has “appealed from the denial of a meaningless, unauthorized motion.” *Id.* at 142. The appeal from the denial of the Emergency Motion is without arguable merit and therefore frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). The appeal is DISMISSED AS FRIVOLOUS. 5TH CIR. R. 42.2.