

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

United States Court of Appeals
Fifth Circuit

FILED

May 29, 2018

Lyle W. Cayce
Clerk

No. 17-10903
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARCUS LELAND FREEMAN, also known as Big Mark,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:96-CR-68-8

Before JOLLY, OWEN, and HAYNES, Circuit Judges.

PER CURIAM:*

Marcus Leland Freeman, federal prisoner # 29129-077, has been sanctioned twice by this court. In June 2017, Freeman submitted a motion under Federal Rule of Civil Procedure 60(b), seeking to void the district court's 2001 denial of his 28 U.S.C. § 2255 motion. The district court denied Freeman's Rule 60(b) motion as barred because Freeman had not complied with this court's prior sanction order imposing a \$200 monetary sanction.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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After the district court's denial of his Rule 60(b) motion, Freeman paid the \$200 sanction. Thereafter, he filed a motion to reconsider the denial of his Rule 60(b) motion, which the district court denied. We review such actions for an abuse of discretion. *Gelabert v. Lynaugh*, 894 F.2d 746, 747-48 (5th Cir. 1990).

Freeman has filed a brief arguing the merits of his Rule 60(b) motion, but he has not addressed the district court's enforcement of the sanction order. Accordingly, he has abandoned the threshold issue for appeal. *See Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987); *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). As Freeman's appeal does not present a legal issue arguable on its merits, it is frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983).

Accordingly, the appeal is DISMISSED as frivolous. *See* 5TH CIR. R. 42.2.