

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

No. 17-10949

United States Court of Appeals
Fifth Circuit

FILED

July 30, 2018

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MACHEO HILL, also known as Mace,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 1:05-CV-35
USDC No. 1:02-CR-3-9

Before DENNIS, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:*

Macheo Hill, federal prisoner # 28133-177, seeks a certificate of appealability (COA) to appeal the district court's rejection of his motion filed pursuant to Federal Rule of Civil Procedure 60(b). Hill filed his Rule 60(b) motion in his criminal proceeding and insisted that it not be construed as a 28 U.S.C. § 2255 motion. Hill's motion challenged the enhancement of his sentence under 21 U.S.C. § 851 in light of new jurisprudence and the fact that

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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he received an executive grant of clemency reducing his life sentence to 324 months.

Because Hill is appealing from an order in his criminal proceeding, his COA motion is DENIED as unnecessary. *See* 28 U.S.C. § 2253(c)(1)(B). Inasmuch as Hill argues that the district court erred in denying relief based on a finding that the rules of civil procedure do not apply in criminal proceedings, he is appealing from a “meaningless, unauthorized” motion that the district court lacked jurisdiction to consider. *United States v. Early*, 27 F.3d 140, 141-42 (5th Cir. 1994). Because an appeal on this ground lacks arguable merit, it is DISMISSED. *See* 5TH CIR. R. 42.2.