

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 05-4376

United States of America,

Appellee,

v.

Joseph H. Brown,

Appellant.

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Appeal from the United States
District Court for the Western
District of Missouri.

[UNPUBLISHED]

Submitted: December 5, 2006
Filed: December 21, 2006

Before SMITH, MAGILL, and BENTON, Circuit Judges.

PER CURIAM.

Joseph H. Brown appeals the district court's¹ dismissal of his "Motion to Reopen Judgment or in the Alternative Motion Seeking Relief Pursuant to a Writ of Audita Querela." We grant Brown leave to proceed in forma pauperis on appeal, and we summarily affirm. *See* 8th Cir. R. 47A(a). We also deny as moot Brown's motion for appellate counsel.

¹The Honorable Dean Whipple, Chief Judge, United States District Court for the Western District of Missouri.