

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 12-1098

UNITED STATES OF AMERICA

v.

ERIC CRAFT,
Appellant

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Crim. No. 02-cr-00011-011)
District Judge: Honorable William W. Caldwell

Submitted for Possible Summary Action Pursuant to
Third Circuit LAR 27.4 and I.O.P. 10.6
March 1, 2012

Before: RENDELL, HARDIMAN and VAN ANTWERPEN, Circuit Judges

(Opinion filed: March 26, 2012)

OPINION

PER CURIAM

Eric Craft appeals the District Court's order denying his motions to dismiss the superseding information. For the reasons below, we will summarily affirm the District Court's order.

In September 2002, Craft pleaded guilty in the District Court for the Middle District of Pennsylvania to a superseding information charging him with causing the death of a person through the use of a firearm during a crime of violence or a drug trafficking offense. See 18 U.S.C. § 924(j). Craft was sentenced to 480 months in prison. We affirmed the judgment on direct appeal. See United States v. Craft, 139 F. App'x 372 (3d Cir. 2005). In December 2006, the District Court denied Craft's timely motion to vacate his sentence under 28 U.S.C. § 2255. We subsequently denied Craft's request for a certificate of appealability.

Since then, Craft has filed several unsuccessful motions challenging the District Court's jurisdiction over his criminal case. In September 2011, Craft filed two more motions challenging the District Court's jurisdiction in his criminal case. The District Court denied the motions, and Craft filed a notice of appeal.

Craft argued in his motions that the District Court lacked jurisdiction over his criminal case because the information failed to plead a substantial effect on interstate commerce. He also argued that the District Court failed to prove that the killing was connected to a drug-trafficking offense. The District Court was correct that Craft cannot challenge his criminal information by using Fed. R. Crim. P 12(b)(3)(B) because his case is no longer "pending." Moreover, given Craft's guilty plea, the government was not required to prove that the murder was connected to a drug-trafficking offense.

Summary action is appropriate if there is no substantial question presented in the appeal. See Third Circuit LAR 27.4. For the above reasons, we will summarily affirm

the District Court's order. See Third Circuit I.O.P. 10.6. We warn Craft that continuing to file frivolous motions may result in sanctions and filing restrictions.