

APPENDIX D

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 19-50519



CAROL JOHNENE MORRIS,

Petitioner - Appellant

v.

UNITED STATES OF AMERICA,

Respondent - Appellee

A True Copy
Certified order issued Sep 05, 2019

Lytle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

Appeal from the United States District Court for the
Western District of Texas

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of September 5, 2019, for want of prosecution. The appellant failed to timely comply with court's notice of July 25, 2019.

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

Melissa B. Courseault

By: _____
Melissa B. Courseault, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

APPO. "A"

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

CAROL JOHNENE MORRIS

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§
§

vs.

NO: MO:19-CV-00124-DC

UNITED STATES OF AMERICA

ORDER OF ADMINISTRATIVE CLOSURE

Petitioner Carol Johnene Morris ("Petitioner") has filed a 28 U.S.C. §2241 ("§2241") in this Court on May 17, 2019. Petitioner is subject to a bar order and accompanying sanctions. The Clerk of the Court is directed to enter the following language on the docket sheet and administratively close the case:

ORDER OF ADMINISTRATIVE CLOSURE pursuant to the sanction orders in *Morris v. Walls, et. al.*, No. 7:19CV6 (W.D. Tex. filed Jan. 14, 2019) (dismissed due to failure to obtain written permission from a federal judge before filing the instant suit, barred from filing civil actions without prior written permission from a Court, three-strikes barred, and \$100 sanction issued); and *United States v. Morris*, 678 F. App'x 272 (5th Cir. 2017) (barred from filing anything to do with her 1997 conviction and sentence in any court subject to the Fifth Circuit's jurisdiction until her \$100 sanction is paid in full and until she first obtains leave of the court in which she seeks to file her pleadings).¹

These cases barred Petitioner from proceeding in any other civil case in any federal court without first seeking leave of court. Pursuant to the sanctions, Petitioner is not authorized to file a new action, as she has not requested nor obtained leave to do so and she is prohibited from

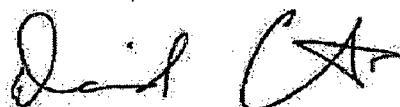
¹ The Court would note that Petitioner is again challenging her 1997 conviction and sentence in this §2241.

filings any new civil case until the sanctions imposed have been paid in full. Petitioner has produced no proof the sanctions have been paid in full.

Except for a notice of appeal, Petitioner is barred from filing any additional motions, pleadings, affidavits, documents, exhibits, or any other papers in this case. In the event Petitioner mails anything to this Court for filing in this case, the papers will not be filed, the Court will not consider such submissions, and they will not be returned to Petitioner. If Petitioner seeks to appeal this dismissal, her notice of appeal must be accompanied by the appeal fee of \$505.00. Petitioner will not be permitted to appeal *in forma pauperis*. All pending motions, if any, are denied as moot.

It is so **ORDERED**.

SIGNED this 20th day of May, 2019.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE

APPENDIX "B"

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

CAROL JOHNENE MORRIS

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vs.

NO: MO:19-CV-00124-DC

UNITED STATES OF AMERICA

ORDER DENYING MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL

Before the Court is Movant's Application to Proceed *in forma pauperis* (IFP) on appeal of the Court's denial of this Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. §2241. [docket number 7].

The standards governing *in forma pauperis* motions are set forth in 28 U.S.C. §1915(a). The motion must state "the nature of the action, defense or appeal and affiant's belief that he is entitled to redress." 28 U.S.C. §1915(a). The district court may deny leave to proceed *in forma pauperis* if an appeal is not taken in good faith. *See Cay v. Estelle*, 789 F.2d 318, 326 (5th Cir. 1986). An appeal is taken in good faith if it presents an arguable issue on the merits and therefore is not frivolous. *See Coppedge v. United States*, 369 U.S. 438, 445 (1962); *Howard v. King*, 707 F.2d 215, 219 (5th Cir. 1983). A movant must demonstrate the existence of a non-frivolous issue for appeal. *See Payne v. Lynaugh*, 843 F.2d 177, 178 (5th Cir. 1988). An action is frivolous where there is no arguable legal or factual basis for the claim. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). Such is the case here.

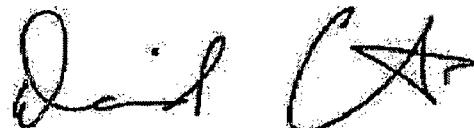
Movant wholly fails to present a good faith, non-frivolous, arguable issue for appeal. Accordingly, this Application to Proceed IFP on Appeal is **DENIED**. [docket number 7].

Although this court has certified that the appeal is not taken in good faith, Movant may challenge this finding pursuant to *Baugh v. Taylor*, 117 F.3d 197 (5th Cir. 1997), by filing a

separate motion to proceed *IFP* on appeal with the Clerk of the Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

It is so **ORDERED**.

SIGNED this 15th day of July, 2019.



DAVID COUNTS
UNITED STATES DISTRICT JUDGE