

APPENDIX A: Fifth Circuit Court of Appeals
opinion

United States Court of Appeals
for the Fifth Circuit
No. 24- 20455
Summary Calendar
Kevin Frymier,

United States Court of Appeals Fifth Circuit FILED April 17, 2025 Lyle W. Cayce Clerk

Plaintiff—Appellant,

versus

Dianne Curvey, in individual capacity, and official
capacity as Judge;

The State of Texas,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-1085

UNPUBLISHED ORDER

Before Southwick, Willett, and Oldham, Circuit
Judges.

Per Curiam:

IT IS ORDERED that Appellees' opposed
motion to dismiss the appeal as frivolous is
GRANTED.

IT IS FURTHER ORDERED that Appellees' opposed motion to suspend briefing until ruling on the pending motion to dismiss the appeal as frivolous is DENIED AS MOOT.

APPENDIX B: Fifth Circuit Court of Appeals
opinion on petition for rehearing en banc

United States Court of Appeals

for the Fifth Circuit

No. 24-20455

Kevin Frymier,

Plaintiff—Appellant,

versus

Dianne Curvey, in individual capacity, and official
capacity as Judge;

The State of Texas,

Defendants—Appellees.

Appeal from the United States District Court

for the Southern District of Texas

USDC No. 4:24-CV-1085

ON PETITION FOR REHEARING EN BANC

UNPUBLISHED ORDER

Before King, Southwick, and Engelhardt, Circuit
Judges.

Per Curiam:

Treating the petition for rehearing en banc as a
motion for reconsideration (5th Cir. R.40 I.O.P.),
the motion for reconsideration is DENIED. Because
no member of the panel or judge in regular active

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service requested that the court be polled on rehearing en banc (Fed. R. App. P.40 and 5th Cir. R.40), the petition for rehearing en banc is DENIED.

No. _____

In the Supreme Court of the United States

Kevin Frymier,
Petitioner,

v.

**Dianne Curvey, in individual and official capacities,
and The State of Texas,**
Respondent.

On Petition for a Writ of Certiorari to the United States
Court of Appeals for the Fifth Circuit

**PETITION FOR A WRIT OF CERTIORARI
SUPPLYMENTAL APPENDIX**

Kevin Frymier
Pro Se Petitioner
17302 Brookhollow Mist Court
Houston, TX 77084
madkevin@yahoo.com
(281) 797-8437



TABLE OF SUPPLYMENTAL APPENDICES

APPENDIX C: Final Judgment, (Sep 17,
2024)1a

APPENDIX C: Final Judgment of Southern
District of Texas, Houston Division

IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF TEXAS
 HOUSTON DIVISION

KEVIN FRYMIER,	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL NO. 4:24-CV-1085
	§	
DIANNE CURVEY,	§	
et al.,	§	
Defendants.	§	
	§	

FINAL JUDGMENT

Plaintiff Kevin Frymier brought this suit against Defendants Dianne Curvey and the State of Texas, alleging violations of the United States and Texas Constitutions. ECF No. 1. Defendants filed Amended Motions to Dismiss. ECF No. 19, 20. At a hearing on September 17, 2024, the Court granted both Motions to Dismiss and dismissed all of Plaintiff's claims with prejudice, for the reasons stated on the record.

Pursuant to Federal Rule of Civil Procedure 58(a), and for the reasons set forth at the hearing, final

judgment is hereby ENTERED for Defendants Dianne Curvey and the State of Texas.

IT IS SO ORDERED.

SIGNED at Houston, Texas on this the 17th day of September, 2024.

/S/ KEITH P. ELLISON

KEITH P. ELLISON

UNITED STATES DISTRICT JUDGE