

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20687
Conference Calendar

SONIA MARIE MCMORRIS,

Plaintiff-Appellant,

versus

PHILIP MICHAEL THOMAS,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-MC-173

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Sonia Marie McMorris appeals the district court's denial of her motion to proceed in forma pauperis ("IFP"). The denial of IFP is an appealable final decision. Flowers v. Turbine Support Div., 507 F.2d 1242, 1244 (5th Cir. 1975). However, McMorris has abandoned the issue by failing to brief it on appeal, having devoted her appellate brief to the merits of her lawsuit, which have not yet been addressed in the district court. See Yohey v.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Even if it is assumed that McMorris has sufficiently preserved the issue for appeal, her district-court IFP motion demonstrates that she had ample funds with which to pay the filing fee, as the district court determined.

The instant appeal is wholly without arguable merit, is frivolous, and is therefore DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. McMorris is CAUTIONED that any future frivolous filings will result in the imposition of sanctions. The motion to supplement the record on appeal is DENIED.

APPEAL DISMISSED; MOTION DENIED; SANCTIONS WARNING ISSUED.