

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-50142, consolidated
with No. 01-50143
Conference Calendar

WALTER A. COPENHAVER,

Plaintiff,

versus

FEDERAL HOME LOAN MORTGAGE CORPORATION, ETC.; ET AL.,

Defendants.

WALTER A. COPENHAVER,

Plaintiff-Appellant,

versus

FEDERAL HOME LOAN MORTGAGE CORPORATION, its successors
and/or assigns; SOURCE ONE MORTGAGE SERVICES
CORPORATION, its successors and/or assigns; BALCOM MANN
& STEVENS PC; BEVERLY MITRISIN,

Defendants-Appellees.

Appeals from the United States District Court
for the Western District of Texas
USDC Nos. EP-99-CV-300-H,
EP-00-CV-307-P

December 12, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Walter Copenhaver seeks to appeal an order requiring him to
provide the defendants with a more definite statement and an

* 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that this opinion should not be published and is not precedent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.

order transferring a case for consolidation. We consolidate the appeals sua sponte. See Fed. R. App. P. 3(b)(2). While Copenhaver was attempting to appeal these interlocutory orders, which the district court declined to certify under 28 U.S.C. § 1292(b), the defendants obtained summary judgment dismissing the consolidated cases on the merits. There has been no timely appeal of the dismissal. Any challenge to the interlocutory orders is moot. See Case v. St. Paul Fire & Marine Ins. Co., 456 F.2d 252, 252 (5th Cir. 1972).

The appeal is DISMISSED.

Copenhaver's motion to transfer the appeal to the Federal Circuit is DENIED. All additional outstanding motions are denied as moot.