

June 9, 2004

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 03-20979
c/w No. 03-20966
Summary Calendar

SONIA MARIE MCMORRIS,

Plaintiff-Appellant,

versus

CARSEY WERNER; KODA-FM; MAGIC 102 KMJQ; NOBLE BROADCAST GROUP;
PRAIRIE VIEW A&M UNIVERSITY; CHANNEL 26 KRIV; HARPO PRODUCTIONS;
ARSENIO HALL COMMUNICATIONS; PAULA ABDUL/VIRGIN RECORDS;
KHOU-TV CHANNEL 11; CHANNEL TWO;
PARAMOUNT STATIONS, doing business as KTXH-Channel 20;
CLARK ATLANTA UNIVERSITY-WCLK,

Defendants-Appellees.

SONIA MARIE MCMORRIS,

Plaintiff-Appellant,

versus

PHILIP MICHAEL THOMAS,

Defendant-Appellee.

Appeals from the United States District Court
for the Southern District of Texas
(H-91-CV-3234)
(H-01-MC-173)

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Sonia Marie McMorris has filed appeals from a district court order to pay filing fees. Because both appeals stem from the same petition for declaratory relief, we consolidate the appeals. FED. R. APP. P. 3(b)(2).

The district court's order is not a final order appealable under 28 U.S.C. § 1291. See *Askanase v. Livingwell, Inc.*, 981 F.2d 807, 810 (5th Cir. 1993). Nor is the order in the class of interlocutory orders subject to appeal under 28 U.S.C. § 1292(a)(1)-(3). The district court did not certify the order as final pursuant to FED. R. CIV. P. 54(b) or as appealable pursuant to 28 U.S.C. § 1292(b). The order also is not appealable pursuant to the collateral order doctrine. See, e.g., *Brinar v. Williamson*, 245 F.3d 515, 517-18 (5th Cir. 2001). Therefore, we lack jurisdiction over these appeals. See *id.* at 518.

McMorris has been cautioned that continued frivolous filings will not be tolerated. See *McMorris v. Thomas*, No. 01-20687 (5th Cir. 11 April 2002). In light of McMorris's continued frivolous filings, we impose monetary sanctions against McMorris in the amount of \$500, payable to the clerk of this court for deposit into the Treasury of the United States in accordance with 28 U.S.C. § 711(c). See *Ferguson v. MBank Houston, N.A.*, 808 F.2d 358, 360

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(5th Cir. 1986). The clerk of this court is instructed to refuse to accept any further filings from McMorris in this or any other appeal until such monetary sanction is paid in full. *Id.* "This court and the involved district courts may grant relief from this requirement in a proper case." *Id.*

***MOTION TO PROCEED IFP DENIED; APPEAL DISMISSED;
OTHER MOTIONS DENIED; SANCTIONS IMPOSED.***