

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 17-11036

United States Court of Appeals
Fifth Circuit

FILED

February 28, 2018

Lyle W. Cayce
Clerk

ANTONIO FREEMAN,

Petitioner–Appellant,

versus

LORIE DAVIS, Director,
Texas Department of Criminal Justice, Correctional Institutions Division,

Respondent–Appellee.

Appeal from the United States District Court
for the Northern District of Texas
No. 1:17-CV-111

Before SMITH, WIENER, and HAYNES, Circuit Judges.

PER CURIAM:*

Antonio Freeman, Texas prisoner #1512080, moves to dismiss without

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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prejudice his interlocutory appeal from the denial of his motion to proceed in forma pauperis (“IFP”) in the district court in connection with his 28 U.S.C. § 2254 proceedings. Freeman’s payment of the \$5.00 filing fee rendered moot the issue of his IFP status in the district court, as his case was not dismissed and is proceeding to resolution there.

The IFP order in the instant case “is not appealable as a final judgment because it did not end the litigation on the merits.” *Thompson v. Drewry*, 138 F.3d 984, 986 (5th Cir. 1998).

The motion to dismiss the appeal is GRANTED without prejudice.