

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

No. 17-40510

United States Court of Appeals
Fifth Circuit

FILED

December 5, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

FRANK EDWIN PATE,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:14-CR-125-1

Before HIGGINBOTHAM, JONES, and COSTA, Circuit Judges.

PER CURIAM:*

Frank Edwin Pate, proceeding pro se, has filed the following motions in this court: (1) a motion for stay of judgments, in which he also requests immediate release; (2) a motion to dismiss for lack of appellate jurisdiction; (3) a motion to dismiss due to lack of finality and remand the case to the district court; (4) a motion for stare decisis application of law; (5) a motion for judicial notice; (6) a motion to correct a clerical error and for leave to file a motion to vacate judgments, along with (7) the motion to vacate judgments.

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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IT IS ORDERED that Pate's motion to correct a clerical error and for leave to file his motion to vacate judgments is GRANTED and his remaining motions, including the motion to vacate judgments, are DENIED. Pate has appealed from the denial of an unauthorized motion. *See United States v. Early*, 27 F.3d 140, 141-42 (5th Cir. 1994). The appeal is without arguable merit and is therefore frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, we DISMISS the appeal AS FRIVOLOUS. *See 5TH CIR. R. 42.2.*

Pate is CAUTIONED that future frivolous, repetitive, or otherwise abusive filings will result in the imposition of sanctions, including dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court or any court subject to this court's jurisdiction.