

United States Court of Appeals
for the Fifth Circuit

No. 24-30343
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 29, 2025

Lyle W. Cayce
Clerk

MICHELLE HORVATH,

Plaintiff—Appellant,

versus

SOLAR REFRIGERATION & APPLIANCE SERVICE,
INCORPORATED,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:22-CV-4463

Before JONES, DUNCAN and DOUGLAS, *Circuit Judges*

PER CURIAM:*

Michelle Horvath moves for leave to proceed in forma pauperis (IFP) on appeal from the grant of summary judgment in favor of her former employer, Solar Refrigeration & Appliance Service, Incorporated (Solar). Her IFP motion is construed as a challenge to the district court's

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

While represented by counsel, Horvath failed to respond to Solar's motion for summary judgment, which was supported by competent evidence; she has, therefore, forfeited her challenges to the court's summary judgment ruling, and we do not address them. *See Bustos v. Martini Club Inc.*, 599 F.3d 458, 468-69 (5th Cir. 2010); *Rollins v. Home Depot USA*, 8 F.4th 393, 397-99 (5th Cir. 2021). Further, the unconditional order granting her motion to voluntarily dismiss certain defendants is not appealable. *See Coliseum Square Ass'n, Inc. v. Jackson*, 465 F.3d 215, 249 (5th Cir. 2006); *Yoffe v. Keller Indus., Inc.*, 580 F.2d 126, 129-31 (5th Cir. 1978).

In sum, Horvath has not shown that the appeal involves a nonfrivolous issue, and her appeal lacks arguable merit. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, her IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.