

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 23, 2025

Lyle W. Cayce
Clerk

No. 24-30632

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

TERRENCE MILLSAPS,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:95-CR-377-1

Before JONES, GRAVES, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Terrence Millsaps, federal prisoner # 83445-012, moves to dismiss his appeal from the district court's denial of his 18 U.S.C. § 3582(c)(2) motion for a sentence reduction. Although he nominally requests to withdraw his appeal without prejudice, Millsaps has not requested a stay, and, therefore, he is not entitled to such a dismissal. *See* 5TH CIR. R. 42.4. Moreover, Millsaps has offered no explanation as to why his appeal in this proceeding

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

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should be dismissed without prejudice. Thus, we construe the instant motion as requesting the voluntary dismissal of the appeal with prejudice.

Accordingly, IT IS ORDERED that the motion, as construed, is GRANTED. *See* FED. R. APP. P. 42(b); 5TH CIR. R. 42.1. The appeal is DISMISSED.