

United States Court of Appeals for the Fifth Circuit

No. 24-50958
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 5, 2025

Lyle W. Cayce
Clerk

JO ANN WILBERT,

Plaintiff—Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE; UNIVERSITY OF
TEXAS MEDICAL BRANCH,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:24-CV-512

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Jo Ann Wilbert, Texas prisoner # 2261580, filed a petition pursuant to 42 U.S.C. § 1983 and requested leave to proceed in forma pauperis (IFP). The district court found that Wilbert's petition did not clearly state her claim, so it ordered her to complete its civil rights complaint form. It also directed her to submit a completed application to proceed IFP or to pay the

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

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filing fee. When Wilbert failed to comply with those orders, the district court dismissed her case without prejudice. Wilbert filed a timely notice of appeal.

After the dismissal, Wilbert paid the filing fee and submitted an amended complaint. The district court directed the clerk to open a new case with the amended complaint and to apply the filing fee to the new case. The new complaint remains pending in the district court. Thus, her appeal of the dismissal of her first action and IFP motion is now moot. *See United States v. Heredia-Holguin*, 823 F.3d 337, 340 (5th Cir. 2016); *Lowrey v. Texas A & M Univ. Sys.*, 117 F.3d 242, 246 (5th Cir. 1997).

Accordingly, the appeal is DISMISSED as moot. All pending motions are likewise DENIED as moot.