

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

January 23, 2025

Lyle W. Cayce  
Clerk

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No. 24-30632

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

TERRENCE MILLSAPS,

*Defendant—Appellant.*

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

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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

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\* 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.