

United States Court of Appeals for the Fifth Circuit

No. 24-10742
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

July 21, 2025

Lyle W. Cayce
Clerk

MAWULE TEPE,

Plaintiff—Appellant,

versus

INTERNAL REVENUE SERVICE; UNITED STATES; REBECCA
RUTHERFORD; ED KINKEADE; WHIRLPOOL CORPORATION;
OGLETREE DEAKINS NASH SMOAK & STEWART PC,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-1280

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

PER CURIAM:*

Mawule Tepe has moved for leave to proceed in forma pauperis (IFP) in his appeal from the dismissal without prejudice of his civil complaint. This court previously found that Tepe had submitted a noncompliant financial affidavit and ordered him to submit, within 30 days of the date of the court's

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

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order, a properly completed financial affidavit if he wished to proceed IFP on appeal. Tepe has not submitted an affidavit. He instead moves for this court to refund the filing fee he submitted in *Tepe v. IRS*, No. 23-11271 (5th Cir. Feb. 24, 2024) (unpublished), which he contends he mistakenly paid because it was an appeal of an interlocutory order, and to apply that fee to the instant case. Tepe's motion is DENIED.

Appellee Ogletree Deakins Nash Smoak & Stewart, PC (Ogletree) has filed various pleadings on its own behalf and on behalf of Whirlpool Corporation (Whirlpool). Tepe has moved to disqualify Ogletree and its attorney and to strike all of its pleadings based on violations of common law and the American Bar Association Model Rules of Professional Conduct. This motion is DENIED.

Whirlpool and Ogletree have moved to dismiss the appeal in the light of Tepe's failure to comply with this court's order to submit a compliant affidavit. Tepe's motion to strike the motion to dismiss is DENIED. The motion to dismiss is GRANTED, and the APPEAL IS DISMISSED. Tepe's IFP motion is DENIED. His motion to expedite ruling on his motions is DENIED as moot. To the extent Tepe is seeking to expedite a ruling on the merits of the appeal, the motion is DENIED. All other outstanding motions, including Tepe's motion for an injunction pending appeal and motion to compel disbursement of his tax refunds, are DENIED.