

United States Court of Appeals  
for the Fifth Circuit

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No. 25-60508

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 16, 2026

Lyle W. Cayce  
Clerk

GENERAL AKECHETA MORNINGSTAR,

*Plaintiff—Appellant,*

*versus*

KROGER COMPANY,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:20-CV-424

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Before JONES, RICHMAN, and RAMIREZ, *Circuit Judges.*

PER CURIAM:\*

General Akecheta Morningstar seeks to proceed in forma pauperis (IFP) on appeal from the denial of his motion seeking both Federal Rule of Civil Procedure 60(b) reconsideration of the dismissal of his civil rights complaint and recusal of the district court judge. Morningstar asserts that (1) his case was improperly reassigned to this district court judge; (2) a clerical error in our initial judgment on appeal, since corrected, constitutes a

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

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material falsehood and fraud; (3) the Supreme Court lacked jurisdiction over his application for a writ of certiorari such that its denial of certiorari is not binding; and (4) the district court judge is biased against him.

Through his IFP motion, Morningstar challenges the district court's determination that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry, therefore, "is limited to whether the appeal involves 'legal points arguable on their merits (and therefore not frivolous).'" *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (citation omitted).

Morningstar's conclusory and patently meritless arguments are contradicted by the procedural history of this case. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); FED. R. APP. P. 28(a)(8). As he fails to identify a nonfrivolous issue for appeal, *see Howard*, 707 F.2d at 220, we DENY the IFP motion and DISMISS the appeal as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.