

United States Court of Appeals
for the Fifth Circuit

No. 26-40102

United States Court of Appeals
Fifth Circuit

FILED

October 7, 2026

Thomas B. Plunkett, III
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

COREY JOHNSON,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:20-CR-77-1

Before CLEMENT, OLDHAM, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Corey Johnson was convicted of eight counts of sex trafficking and conspiracy-related offenses in May 2025 and has yet to be sentenced. Due to his “voluminous” pro se filings, the district court has restricted his ability to file letters and motions other than those pertaining to sentencing. Johnson seeks to appeal the district court’s order. Because we lack jurisdiction, we DISMISS Johnson’s appeal.

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

No. 26-40102

While awaiting sentencing, Johnson, representing himself, filed motions seeking discovery and trial transcripts. A magistrate judge granted the motions in part and denied them in part. In an order overruling Johnson's objections to the magistrate judge's order, the district court noted that Johnson's "voluminous filings [were] materially impairing the efficient administration of this case," and described Johnson's 13 letters and at least 21 pro se motions filed after the jury verdict, including requests for information to contest his guilt. Stating that "it [would] not entertain further filings seeking to attack the jury verdict," the district court also ordered Johnson to seek leave from the court before filing additional letters or motions. The district court specified that Johnson would have one opportunity to seek leave, and that Johnson's motion seeking leave would be subject to certain length and content requirements. The district court specified that its order did not apply to filing motions or documents pertaining to sentencing. Johnson filed a timely notice of appeal from the order.

On appeal, Johnson asserts that the district court erred by sua sponte imposing a pre-filing injunction without giving him notice or opportunity to oppose the injunction. As a preliminary matter, the Government argues that our court lacks jurisdiction over Johnson's interlocutory appeal of the district court's order imposing filing restrictions.

We agree with the Government. In general, our court's jurisdiction in criminal cases is limited to final decisions of the district court. *See* 28 U.S.C. § 1291. This "final judgment rule" thus normally "prohibits appellate review until conviction and imposition of sentence." *Flanagan v. United States*, 465 U.S. 259, 263 (1984). Johnson asserts that we nonetheless have jurisdiction under 28 U.S.C. § 1292(a)(1), which confers jurisdiction over appeals from "[i]nterlocutory orders . . . granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or

No. 26-40102

modify injunctions.” Our court, however, “has approached this statute somewhat gingerly lest a floodgate be opened that permits immediate appeal over too many nonfinal orders.” *Anderson v. Hutson*, 114 F.4th 408, 415 (5th Cir. 2024) (citation modified). We decline to open the floodgates here.

First, “[a]n order by a federal court that relates only to the conduct or progress of the litigation before that court ordinarily is not considered an injunction and therefore is not appealable under § 1292(a)(1).” *Gulfstream Aerospace Corp. v. Mayacamas Corp.*, 485 U.S. 271, 279 (1988); *see also Jackson v. Lesatz*, No. 20-1027, 2020 WL 1807966, at *1 (6th Cir. Mar. 27, 2020) (unpublished) (holding that the court of appeals lacked jurisdiction over a district court’s order restricting a habeas petitioner from filing further motions or pleadings without leave of the court). This fits with the more general rule that “[a]ppel gives the upper court a power of review, not one of intervention.” *Cohen v. Beneficial Indus. Loan Corp.*, 337 U.S. 541, 546 (1949). The Government persuasively distinguishes cases where we have construed more expansive filing restrictions as injunctions subject to appeal. *See, e.g., Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181, 184, 189 (5th Cir. 2008) (exercising jurisdiction over an order barring the plaintiffs from filing new claims in the state of Texas without leave from the court).

Second, even assuming that the district court’s order requiring Johnson to move for leave to file further motions or letters was an injunction under § 1292(a)(1), “a party challenging an interlocutory order must [also] show serious, perhaps irreparable, consequences, because the § 1292(a)(1) exception is a narrow one.” *Anderson*, 114 F.4th at 415 (citation modified). Johnson has not done so here. As the district court’s order made clear, Johnson faces no restrictions on his ability to submit filings pertaining to his upcoming sentencing, including “objections to any sentencing report, recommendation, or memorandum.” The district court’s order was directed at “filings seeking to attack the jury verdict,” and made exceptions for all

No. 26-40102

filings “expressly authorized” by law. Consistent with this language, Johnson has made filings related to his sentencing after the district court issued its order, including objections to his Presentence Report. Johnson’s ability to submit ordinary filings appropriate to the post-trial phase of his criminal case shows that he faces no consequences “greater than the harm suffered by any litigant forced to wait until the termination of the [proceedings] before challenging interlocutory orders it considers erroneous.” *Sherri A.D. v. Kirby*, 975 F.2d 193, 204 n.15 (5th Cir. 1992) (citation modified). Thus, he faces no unusual burden from the interlocutory order he seeks to challenge, and the narrow § 1292(a)(1) exception to the final judgment rule does not apply.

Because we do not have jurisdiction to consider Johnson’s challenge to the district court’s order, we DISMISS the appeal.