

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED
July 24, 2012

No. 12-20152
Summary Calendar

Lyle W. Cayce
Clerk

LARRY BUTLER,

Plaintiff-Appellant

v.

BETTY WILLIAMS, Medical Director,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:11-CV-2864

Before DENNIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Larry Butler, Texas prisoner # 1116378, appeals the district court's denial of his motion to appeal in forma pauperis (IFP) from the dismissal of his 42 U.S.C. § 1983 complaint. He moves for leave to proceed IFP in this appeal.

“Under Article III of the Constitution, federal courts may adjudicate only actual, ongoing cases or controversies.” *Lewis v. Continental Bank Corp.*, 494 U.S. 472, 477 (1990). The case-or-controversy requirement is present at all levels of litigation, from the trial level through the appellate process. *Spencer*

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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v. Kemna, 523 U.S. 1, 7 (1998). An appeal is moot when the court can no longer grant any effectual relief to the prevailing party. *Motient Corp. v. Dondero*, 529 F.3d 532, 537 (5th Cir. 2008). The issue of mootness is jurisdictional and must be raised by this court sua sponte if necessary. *Bailey v. Southerland*, 821 F.2d 277, 278 (5th Cir. 1987).

We earlier dismissed Butler's appeal from the dismissal of his § 1983 complaint. *Butler v. Williams*, No. 11-20646, 2012 WL 987562 (5th Cir. Mar. 26, 2012) (unpublished). Thus, his instant appeal and IFP motion are moot. See *Motient Corp.*, 529 F.3d at 537; *Bailey*, 821 F.2d at 278. Butler is cautioned that frivolous filings in the future will result in the imposition of sanctions, which may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction.

MOTION TO PROCEED IFP DENIED AS MOOT, APPEAL DISMISSED AS MOOT; SANCTION WARNING ISSUED.