

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

United States Court of Appeals
Fifth Circuit

FILED

April 3, 2013

Lyle W. Cayce
Clerk

No. 12-30794
Summary Calendar

SHIRLEY MUHLIESEN, individually and on behalf of the minor child, Devon
Muhliesen,

Plaintiff-Appellant

v.

RECEIVABLE RECOVERY SERVICES, L.L.C.,

Defendant-Appellee

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:11-CV-1475

Before KING, CLEMENT, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Shirley Muhliesen sued Receivable Recovery Services, LLC (RRS) under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §§ 1692–1692p, in connection with debts that Ochsner Medical Services claimed she owed. The district court ruled that Muhliesen had not asserted a claim for damages and that her claim for injunctive relief had been rendered moot by the defendant’s

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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voluntary actions. The district court therefore dismissed the suit with prejudice and denied Muhliesen leave to proceed in forma pauperis (IFP) on appeal.

Muhliesen seeks our review of the issues whether the district court abused its discretion by failing to sanction RRS for not disclosing all of its exhibits and witnesses, erred by reconsidering its order that allowed Muhliesen to amend her complaint, improperly denied her claim for damages, erred in determining that Muhliesen's claim for injunctive relief was moot, and erred in determining that medical bills arising from a federal workers' compensation claim constitute business debts not covered by the FDCPA. Muhliesen seeks also to proceed IFP on appeal.

To proceed IFP, Muhliesen must show that she is a pauper and that she appeals in good faith, i.e., that the appeal presents nonfrivolous issues. *See* FED. R. APP. P. 24(a); *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). Muhliesen has presented us with an affidavit that establishes that she is unable to pay the costs of appealing without undue hardship or deprivation of life's necessities. She has failed, however, to show that "the appeal involves legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983)((internal quotation marks and citation omitted). Consequently, we may dismiss the appeal sua sponte. 5TH CIR. R. 42.2.

Muhliesen's IFP motion is DENIED; the appeal is DISMISSED; the motion to supplement the record and motion to seal the record are both DENIED.