

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

No. 16-51143
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 8, 2017

Lyle W. Cayce
Clerk

Plaintiff-Appellee

UNITED STATES OF AMERICA,

v.

CAROL JOHNENE MORRIS,

Defendant-Appellant

Appeal from the United States District Court for the
Western District of Texas, Midland Odessa

Before CLEMENT, PRADO, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Carol Johnene Morris, former federal prisoner # 76547-080 and current Texas prisoner # 1681899, moves to proceed in forma pauperis (IFP) in her appeal from the district court's order denying her request for issuance of a writ of coram nobis. The district court concluded that Morris failed to allege "sound reasons" to explain why she did not earlier seek appropriate relief under 28 U.S.C. § 2255 and that she failed to exercise "reasonable diligence" in seeking prompt relief. Morris also moves to file a corrected brief.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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The district court's basis for denying relief remains unchallenged on appeal. In order to satisfy the requirements for filing a writ of coram nobis, the movant must present "sound reasons" for "failure to seek appropriate earlier relief." *United States v. Dyer*, 136 F.3d 417, 422 (5th Cir. 1998) (internal quotation marks and citation omitted). Although pro se briefs are liberally construed, even pro se litigants must brief arguments in order to preserve them. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). Because Morris has not briefed this issue, she has abandoned it. *See Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Because Morris has not shown that her appeal involves legal points arguable on their merits, leave to proceed IFP is DENIED. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5TH CIR. R. 42.2. Her motion to file a corrected brief is GRANTED.

The instant motion is Morris's second attempt in recent years to appeal the denial of a petition for writ of coram nobis. The arguments raised in Morris's brief and in the district court mirror those raised in Morris's prior petition for writ of coram nobis. Because Morris has ignored this court's prior warnings against frivolous or repetitive filings, she is ORDERED to pay a sanction of \$100 to the clerk of this court. She is BARRED from filing any pleading challenging her 1997 conviction and sentence in this court or any court subject to this court's jurisdiction until the sanction is paid in full unless she first obtains leave of the court in which she seeks to file her pleadings. Morris is further WARNED that any future frivolous, repetitive, or otherwise abusive filings will subject her to additional and progressively more severe sanctions, which may include dismissal, monetary sanctions, or further restrictions on her ability to file pleadings in this court or any court subject to

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this court's jurisdiction. Morris is again CAUTIONED to review any pending appeals and actions and move to dismiss any that are frivolous, repetitive, or otherwise abusive.