

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 18, 2023

Lyle W. Cayce
Clerk

No. 23-20154
Summary Calendar

RAINER VON FALKENHORST, III,

Plaintiff—Appellant,

versus

CHARLES CLINTON HUNTER; SCOTT G. HAMILTON,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CV-1171

Before JONES, SMITH, and DENNIS, *Circuit Judges.*

PER CURIAM:*

Plaintiff-Appellant Rainer von Falkenhorst, III, proceeding *pro se*, appeals the district court's dismissal of his suit against Defendant-Appellees

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

No. 23-20154

Charles Clinton Hunter and Scott G. Hamilton under 42 U.S.C. § 1983 for violations of his First and Fourteenth Amendment rights.¹

We review *de novo* a district court’s ruling on a motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), and we must determine whether the pleaded facts state plausible claims that are cognizable in law. *NiGen Biotech, L.L.C. v. Paxton*, 804 F.3d 389, 393 (5th Cir. 2015) (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). While “pro se complaints are held to less stringent standards” than those drafted by a lawyer, “conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice to prevent a motion to dismiss.” *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378 (5th Cir. 2002) (first quoting *Miller v. Stanmore*, 636 F.2d 986, 988 (5th Cir. 1981); and then quoting *S. Christian Leadership Conf. v. Sup. Ct. of the State of La.*, 252 F.3d 781, 786 (5th Cir. 2001)).

Here, von Falkenhorst’s complaint provides only legal conclusions that, during Texas state court proceedings, Defendants deprived him of due process, deprived him of equal protection of the law, conspired to defraud him, and violated his right to seek redress of grievances. The complaint provides no factual allegations to support his claims, and the mere legal conclusions he provided are insufficient to state a claim. *See Twombly*, 550 U.S. at 555.

The judgment of the district court is AFFIRMED. The motion to appoint counsel filed by von Falkenhorst is DENIED.

¹ Another panel of this court previously dismissed von Falkenhorst’s appeal against the other Defendant-Appellees, Cory Don Sepolio, Gerald B. Sager, and Robert C. McCabe.