

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

March 30, 2023

Lyle W. Cayce
Clerk

No. 22-40229
Summary Calendar

JOSE REYES LUJAN TREVINO,

Plaintiff—Appellant,

versus

ARMANDO GUTIERREZ, *Individually and in his official capacity*; VICTOR LUJAN, *Individually and in his official capacity*; JANE DOE, *Individually and in her official capacity*; JOHN DOE, *Individually and in his official capacity*; UNKNOWN NAMED DHS ICE OFFICE OF THE CHIEF COUNSEL, SAN ANTONIO, TEXAS, *Individually and in their official capacity*; UNKNOWN NAMED DHS ICE CBP OFFICERS LAREDO-SAN ANTONIO, TEXAS DISTRICT, *Individually and in their official capacity*; IMMIGRATION COURT SAN ANTONIO DISTRICT; CLERK OF IMMIGRATION COURT; IMMIGRATION JUDGE CYNTHIA LAFUENTE GAONA, *Individually and in her official capacity*; IMMIGRATION JUDGES JANE DOE, *Individually and in their official capacity*; IMMIGRATION JUDGES JOHN DOE, *Individually and in their official capacity*; SOCIAL SECURITY ADMINISTRATION,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:20-CV-180

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Appellant Jose Reyes Lujan Trevino appeals the district court's dismissal of his complaint. Because he fails to show any reversible error, we AFFIRM.

This case stems from Trevino's lawsuit against Victor Lujan, Jr., Armando Gutierrez, and numerous federal agencies, officers, and immigration judges. Among other allegations, Trevino alleges a far-reaching conspiracy in violation of his constitutional and statutory rights.

Trevino's allegations are hard to follow. But in short, he alleges that he was improperly arrested by the Department of Homeland Security and that his deportation was the result of an intricate conspiracy between Victor Lujan, Jr. (his nephew), Armando Gutierrez (his former employee), unspecified Homeland Security officers, and the Immigration Court judges. Trevino contends that they all conspired to have him deported so Lujan and Gutierrez could take his real estate business and embezzle his money.

The district court dismissed Trevino's claims under Rule 12(b)(1) for lack of subject matter jurisdiction and under Rule 12(b)(6) for failure to state a claim. The following were dismissed under Rule 12(b)(1):

- (1) Claims arising from removal cases and immigration detention
- (2) Claims under the Freedom of Information Act
- (3) Claims against the Social Security Administration
- (4) Claims for damage against federal agencies and employees in the official capacities

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

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The rest of his claims were dismissed for failure to state a claim under Rule 12(b)(6).

We have reviewed Trevino's brief and all relevant materials. And we agree with the district court's determination that Trevino's complaint should have been dismissed. Accordingly, we AFFIRM.