

United States Court of Appeals  
for the Fifth Circuit

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No. 23-10260  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 25, 2023

Lyle W. Cayce  
Clerk

MICHAEL GEOFFREY PETERS,

*Plaintiff—Appellant,*

*versus*

TEXAS DEPARTMENT OF CRIMINAL JUSTICE; BOBBY LUMPKIN,  
*Director, Texas Department of Criminal Justice, Correctional Institutions  
Division*; STATE OF TEXAS; BRIAN COLLIER; DOVID GOLDSTEIN,  
RABBI CHABAD OUTREACH; STRINGFELLOW UNIT CHAPLAIN,  
HIGHTOWER,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:23-CV-198

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KING, HAYNES, and GRAVES, *Circuit Judges.*

PER CURIAM:\*

Michael Geoffrey Peters, Texas prisoner # 2019190, filed a 42 U.S.C.  
§ 1983 complaint alleging that the defendants refused him Jewish religious

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

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services in violation of the First Amendment and the Religious Land Use and Institutionalized Persons Act, and that he was not allowed to purchase tennis shoes.<sup>1</sup> The district court dismissed the complaint without prejudice under 28 U.S.C. § 1915(g). Peters appealed. Peters's five motions to supplement his appellate brief are GRANTED. Peters's motion to correct the electronic record is DENIED.

On appeal, Peters argues only the merits of his underlying complaint. Even if we afford his brief very liberal construction, Peters briefs no argument addressing the § 1915(g) bar which was the basis of the dismissal, not the merits of his underlying case (which we do not decide here). This issue is deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). As this is the only possible issue for appeal, Peters has presented no legal points arguable on their merits, and this appeal is frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2. Accordingly, the appeal is DISMISSED as frivolous.

Peters is REMINDED that he is barred from proceeding in forma pauperis in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g). He is also WARNED that any pending or future frivolous or repetitive filings in this court or any court subject to this court's jurisdiction may subject him to additional sanctions. *See Coghlan v. Starkey*, 852 F.2d 806, 817 n.21 (5th Cir. 1988).

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<sup>1</sup> He has filed previous cases making similar religious issue contentions. *See, e.g., Peters v. Tex. Dep't of Crim. Just.*, 20-20612, 2022 WL 402428 (5th Cir. Feb. 9, 2022) (per curiam), *cert. denied*, 143 S. Ct. 276 (2022).