

United States Court of Appeals for the Fifth Circuit

No. 23-11268
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 14, 2024

Lyle W. Cayce
Clerk

DANNY HOLMAN,

Plaintiff—Appellant,

versus

LOUIS DEJOY, *Postmaster General,*

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:22-CV-2825

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

PER CURIAM:*

Plaintiff-Appellant Danny Holman, a United States Postal Service (“USPS”) employee, filed this pro se action against the Defendant-Appellee Louis DeJoy in his official capacity as the Plaintiff’s employer, alleging employment discrimination in violation of Title VII of the Civil Rights Act of 1964. He appeals the district court’s order accepting the magistrate judge’s

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

No. 23-11268

report and recommendation dismissing the Plaintiff's action with prejudice for failure to timely effect service of process on the Defendant.

However, on appeal, the Plaintiff simply reiterates the arguments made in his complaint and does not discuss the district court's reasoning for dismissal. Even construing his briefs "liberally," as we must for a pro se litigant, *see Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995), the Plaintiff never mentions service of process or discusses any other error the district court may have made in his briefing. By failing to raise a challenge to the district court's dismissal for failure to serve process on appeal, it "is the same as if he had not appealed that judgment." *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987) (finding also that "[w]e will not raise and discuss legal issues that [appellant] has failed to assert"). Because the Plaintiff "failed to brief any challenge to the district court's dismissal . . . for failure to serve" this issue is "deemed abandoned." *Garcia v. Contreras*, 384 F. App'x 410, 411 (5th Cir. 2010) (unpublished) (affirming the district court's dismissal of plaintiffs' action for failure to effect service of process when those plaintiffs did not brief that issue on appeal).

We AFFIRM the district court's judgment.