

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 9, 2024

No. 23-20595
Summary Calendar

Lyle W. Cayce
Clerk

HOMER DANIELS, JR.,

Plaintiff—Appellant,

versus

CEMENT MASONS PENSION FUND FOR NORTHERN CALIFORNIA,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CV-1935

Before SMITH, CLEMENT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Pro se plaintiff Homer Daniels, Jr., filed a complaint raising claims under section 502(a) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1132(a), which the district court dismissed as time barred. On appeal, Daniels asserts that he is entitled to pension benefits as alleged in

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

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his complaint. He does not argue that the district court erred in any way by dismissing the complaint.

This court construes pro se briefs liberally, but even a pro se litigant must brief arguments to preserve them. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Davis v. Lumpkin*, 35 F.4th 958, 962 n.1 (5th Cir. 2022). When an appellant fails to identify any error in a challenged ruling, it “is the same as if he had not appealed” that ruling. *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). By not briefing any challenge to the dismissal of his complaint, Daniels has abandoned any such challenge. *See Yohey*, 985 F.2d at 224-25; *Brinkmann*, 813 F.2d at 748.

AFFIRMED.