

United States Court of Appeals for the Fifth Circuit

No. 24-10774

United States Court of Appeals
Fifth Circuit

FILED

February 17, 2025

DANIEL RAY GARCIA,

Lyle W. Cayce
Clerk

Petitioner—Appellant,

versus

MATTHEW JOSEPH KACSMARYK, *District Judge*; UNITED STATES
MARSHAL; CHRISTOPHER FORBIS, *Sheriff*; LEE ANN RENO,
Magistrate Judge,

Respondents—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:24-CV-153

Before SOUTHWICK, WILLETT, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

Daniel Ray Garcia, a federal pretrial detainee, filed a 28 U.S.C. § 2241 petition alleging a violation of his Sixth Amendment right to represent himself on pending criminal charges for mailing a threatening communication. The district court dismissed the petition without prejudice for failure to exhaust remedies in his criminal proceedings and as moot since

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

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Garcia had been granted his request for self-representation. Garcia moves this court to proceed in forma pauperis (IFP) on appeal, which constitutes a challenge to the district court's certification that any appeal would not be taken in good faith because Garcia will not present a nonfrivolous appellate issue. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

In his IFP pleadings and brief, Garcia does not challenge the district court's determination that his § 2241 petition was rendered moot by the grant of his request for self-representation in his criminal proceedings. Thus, the claim is deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). We do not consider Garcia's newly raised claims challenging the district court's rulings with respect to his motion to withdraw his guilty plea and motion to recuse, as well as any claims alleging the denial of access to the courts or the law library. *See Leverette v. Louisville Ladder Co.*, 183 F.3d 339, 342 (5th Cir. 1999).

Accordingly, Garcia has failed to show a nonfrivolous issue with respect to the district court's dismissal of his § 2241 petition. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). His motion to proceed IFP on appeal is therefore DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.