

United States Court of Appeals for the Fifth Circuit

No. 24-30365
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 18, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

LAKENDRIA NICOLE GOINGS,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:18-CR-148-1

Before GRAVES, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Lakendria Nicole Goings, federal prisoner # 20646-035, appeals the denial of her motion to stay or to modify her scheduled restitution payments under the Inmate Financial Responsibility Program (IFRP). Further, she has filed a motion to modify her criminal judgment to reflect that her restitution payments are stayed. The Government has moved for summary affirmance

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

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on the basis that Goings has abandoned any appellate claims as to the denial of her motion. Alternatively, the Government requests an extension of time to file a merits brief.

In her opening brief, Goings presents no claims that can be viewed as a challenge to, or argument concerning, the denial of her motion to stay or to modify her restitution payment schedule. She thus has effectively abandoned any challenge to the order from which she has appealed. *See United States v. Scroggins*, 599 F.3d 433, 447 (5th Cir. 2010); *United States v. Miranda*, 248 F.3d 434, 443 (5th Cir. 2001). While her response to the Government's motion for summary affirmance includes arguments that implicate the merits of her motion, she has raised those claims too late. *See Scroggins*, 599 F.3d at 447; *United States v. Aguirre-Villa*, 460 F.3d 681, 683 n.2 (5th Cir. 2006). She therefore has failed to brief any challenge to the denial of the motion that we need to review. *See Scroggins*, 599 F.3d at 447.

Summary affirmance, which applies where the position of a party "is clearly right as a matter of law so that there can be no substantial question as to the outcome of the case," *Groendyke Transp., Inc. v. Davis*, 406 F.2d 1158, 1162 (5th Cir. 1969), is not appropriate here. However, because the appeal is without merit, further briefing is unnecessary.

Accordingly, the judgment of the district court is AFFIRMED. The Government's motion for summary affirmance and its alternative motion for an extension of time to file a merits brief are DENIED. Goings's motion for a modification of the criminal judgment is DENIED.