

# United States Court of Appeals for the Fifth Circuit

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No. 24-50073  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 1, 2024

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

CORNELIUS ROBINSON,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC Nos. 1:10-CV-929, 1:08-CR-1-1

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Before STEWART, HAYNES, and HIGGINSON, *Circuit Judges*.

PER CURIAM:\*

Cornelius Robinson, federal prisoner # 83394-180, is currently serving a 327-month sentence resulting from his 2008 jury convictions on 24 counts arising out of a mortgage loan fraud scheme. He has moved for a certificate of appealability (COA) to appeal the district court's denial of his post-judgment motion styled: "Motion for Permission to File Fraud Upon the

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

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Court Legal Motion, Doc. # 665 Due to Restricted Filer Status.” In the motion, Robinson sought leave to file a motion that challenged his convictions or the district court’s denial of postconviction relief. The district court denied the motion due to Robinson’s failure to obtain prior permission from this court, and it denied him a COA. In his COA motion, Robinson contends that the district court denied his motion due to the sanctions that this court previously imposed in a 2019 order. *See In re Robinson*, No. 19-50278 (5th Cir. May 3, 2019) (unpublished order). In that regard, he contends that the district court’s denial of his post-judgment motion unduly violated his constitutional right to access the courts.

Insofar as the district court denied Robinson’s motion because it was an unauthorized successive § 2255 motion, Robinson fails to brief, and therefore abandons, any challenge to the district court’s ruling. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999). Accordingly, a COA is DENIED as to this issue. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Cardenas v. Thaler*, 651 F.3d 442, 443 (5th Cir. 2011).

Insofar as the district court denied Robinson’s motion because he is a sanctioned litigant, Robinson has not demonstrated that the district court abused its discretion. *See Gelabert v. Lynaugh*, 894 F.2d 746, 747-48 (5th Cir. 1990). Notably, he does not allege that, as of the time that he filed his motion, he had satisfied the sanctions imposed in this court’s 2019 order, and he fails to show that he was prejudiced by the district court’s denial of his motion by demonstrating that he was seeking to pursue a nonfrivolous and arguable legal claim for relief. *See Christopher v. Harbury*, 536 U.S. 403, 415-16 (2002). Accordingly, the order of the district court is AFFIRMED.

Further, to the extent that Robinson is required to obtain a COA to appeal the denial of a motion for leave on the ground that he was a sanctioned litigant, his request is DENIED, as he has not made a “substantial showing

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of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *Slack*, 529 U.S. at 484. Robinson’s motion for leave to proceed in forma pauperis on appeal is likewise DENIED.

Robinson has ignored this court’s previous warnings and has remained undeterred by the multiple monetary sanctions previously imposed by this court for his continued filing of frivolous, repetitive, or otherwise abusive motions challenging his 2008 convictions and sentences. Accordingly, Robinson is ORDERED to pay an additional sanction of \$500 to the clerk of this court, and Robinson is specifically BARRED from filing, in this court or in any court subject to this court’s jurisdiction any challenge to his convictions or sentences until the sanction is paid in full, unless he first obtains leave of the court in which he seeks to file such challenge. When seeking leave of court, Robinson must certify that the claim he wishes to present is a new one and is not based, in whole or in part, on his argument that the financial institutions involved in his offenses leading to his convictions were not insured by the Federal Deposit Insurance Corporation (FDIC). Robinson is CAUTIONED that if he makes a false certification, he may be found in contempt of court and punished accordingly. Finally, Robinson is WARNED that filing any frivolous or repetitive action or challenge to his conviction or sentence, in this court or any court subject to this court’s jurisdiction, will subject him to additional and progressively more severe sanctions.