

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

November 20, 2024

Lyle W. Cayce  
Clerk

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No. 24-50272  
Summary Calendar

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IN THE MATTER OF SALUBRIO, L.L.C, DOING BUSINESS AS BRIO  
SAN ANTONIO MRI

*Debtor,*

DOUGLAS KEVIN SMITH,

*Petitioner—Appellant,*

*versus*

ERIC TERRY,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:23-CV-201

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

PER CURIAM: \*

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

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Dr. Douglas Smith has repeatedly attempted to block liquidation of accounts receivable in a bankruptcy estate. We have repeatedly affirmed dismissal of those attempts. *Smith v. Terry (In re Salubrio, L.L.C.)*, No. 23-50288, 2024 WL 1795773, at \*2 (5th Cir. Apr. 25, 2024) (per curiam); *Smith v. Terry (In re Smith)*, No. 22-50999, 2023 WL 4992835, at \*1 (5th Cir. Aug. 4, 2023) (per curiam); *Smith v. Terry (In re Salubrio, L.L.C.)*, No. 22-50453, 2023 WL 3143686, at \*4 (5th Cir. Apr. 28, 2023) (per curiam). In another of those attempts, Smith appeals the district court's affirmance of judgment against Smith, raising jurisdictional and constitutional issues. All of them fail, so we AFFIRM.

Although his arguments are difficult to discern, Smith seems to assert jurisdictional issues that turn on whether the accounts belong to Smith or Salubrio. However, we have been down that road before. *In re Salubrio, L.L.C.*, 2024 WL 1795773, at \*2 ("Smith is judicially estopped from claiming ownership of the accounts."). Smith is judicially estopped from arguing that the accounts are his, so his jurisdictional arguments fail.<sup>1</sup>

Smith raises several other issues that were either not raised in Smith's statement of issues on appeal or not briefed before the district court. Accordingly, we will not consider those arguments. *See Smith v. H.D. Smith Wholesale Drug Co. (In re McCombs)*, 659 F.3d 503, 510 (5th Cir. 2011);

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<sup>1</sup> Smith argues that the Trustee has unclean hands, and thus cannot assert judicial estoppel. *See Galaz v. Katona (In re Galaz)*, 841 F.3d 316, 326 (5th Cir. 2016). However, like many of Smith's arguments, this argument is difficult to understand, and Smith does not cite the record or caselaw for support. We will not rely on bald assertions of wrongdoing unsupported by the record. *See Grant v. Cueller*, 59 F.3d 523, 524 (5th Cir. 1995) (per curiam) ("Although we liberally construe briefs of pro se litigants and apply less stringent standards to parties proceeding pro se than to parties represented by counsel, pro se parties must still brief the issues and reasonably comply with the standards of Rule 28." (cleaned up)); FED. R. APP. P. 28(a)(8)(A) (requiring "citations to the authorities and parts of the record on which the appellant relies").

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*Stewart Glass & Mirror, Inc. v. U. S. Auto Glass Disc. Ctrs., Inc.*, 200 F.3d 307, 316–17 (5th Cir. 2000).

In sum, Smith’s arguments have either already been decided or were waived, so we AFFIRM.