

# United States Court of Appeals for the Fifth Circuit

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No. 24-50303  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

August 15, 2024

Lyle W. Cayce  
Clerk

JOHN D. FERRARA,

*Plaintiff—Appellant,*

*versus*

JEFFREY BLAKE BARNETT, *Police Chief for the City of Kyle*; CITY OF  
KYLE,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:21-CV-237

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Before JOLLY, JONES, and WILLETT, *Circuit Judges*.

PER CURIAM:\*

John Ferrara, pro se, appeals the denial of his Rule 60(b) motion for relief from final judgment in this 42 U.S.C. § 1983 lawsuit. We AFFIRM.

This lawsuit is one of at least five filed by Ferrara in which he alleged the City of Kyle, Texas, and its police chief illegally arrested him and violated

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

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his civil rights. The district court dismissed this lawsuit as frivolous and malicious, considering its claims are duplicative of those Ferrara raised in an earlier lawsuit, which the district court dismissed. Ferrara then filed two motions for relief from the final judgment under FED. R. CIV. P. 60(b), which the district court denied. Ferrara now appeals only the denial of that second post-judgment motion. We review for abuse of discretion. *See Bailey v. Cain*, 609 F.3d 763, 767 (5th Cir. 2010). Ferrara, however, only briefed challenges to the dismissal of the underlying lawsuit, not the denial of the motion subject to this appeal. Ferrara fails to argue that the district court abused its discretion in denying that motion, so he has abandoned the issue he seeks to appeal. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

Consequently, the denial of Ferrara's motion for relief from the final judgment by the district court is, therefore, in all respects,

AFFIRMED.