

United States Court of Appeals for the Fifth Circuit

No. 24-50311
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 6, 2025

Lyle W. Cayce
Clerk

MARCO ALBERTO CANTU,

Plaintiff—Appellant,

versus

J. MICHAEL MOORE,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-1476

Before HIGGINBOTHAM, JONES, and OLDHAM, *Circuit Judges*.

PER CURIAM:*

The court has reviewed the dismissal of plaintiffs' case and finds no reversible error of law or fact. The district court properly dismissed pursuant to FED. RULE CIV. PRO. 12(b)(6) for failure to state a plausible claim for injunctive relief, which would have allowed the Cantus to evade a state court

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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injunction prohibiting them from further litigation against Moore. Plaintiffs never raised the constitutionality of the Texas Vexatious Litigation Statute in the district court, thus forfeiting the issue on appeal. Further, plaintiffs did not raise in the trial court any request to replead, an issue now also forfeited. Judgement AFFIRMED.