

United States Court of Appeals
for the Fifth Circuit

No. 25-40230

United States Court of Appeals
Fifth Circuit

FILED

April 9, 2026

Lyle W. Cayce
Clerk

OMAR CANO-LOPEZ,

Plaintiff—Appellant,

versus

MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland Security,*

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:23-CV-44

Before RICHMAN, DUNCAN, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Omar Cano-Lopez, a native of Mexico, appeals from the district court's denial of his request for declaratory relief to establish his claim to United States citizenship and for a new trial or to alter and amend the judgment. Federal law allows any person within the United States and denied a right or privilege as a national of the United States, based on non-

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

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nationality, to file a declaratory judgment action to determine if he is a citizen. 8 U.S.C. § 1503(a). Here, the district court found that Cano-Lopez did not meet his burden of showing his father was present in the United States for the requisite period of time to render Cano-Lopez a citizen. After reviewing that order, the record, and the briefing, we find no error with the district court's conclusion.

Cano-Lopez also challenges the district court's denial of his Rule 59 motion. But the district court correctly determined that Cano-Lopez did not convincingly establish that the evidence was newly discovered or impossible to unearth before the judgment. Thus, the district court did not reversibly err.

AFFIRMED.