

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 11, 2021

Lyle W. Cayce
Clerk

No. 20-20216
Summary Calendar

MARILYN J. TAYLOR WALKER,

Plaintiff—Appellant,

versus

BEN SKALKA, *Fraud Investigator*; CARLA VENZOR, *Hearing Officer*;
THE HOUSTON HOUSING AUTHORITY,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CV-2736

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Marilyn J. Taylor Walker, proceeding pro se, appeals the district court's denial of her motions for default judgment and its dismissal of her civil rights complaint. With the benefit of liberal construction, she argues

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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that she was entitled to default judgment because she was not properly served with the motion to dismiss filed on behalf of The Houston Housing Authority and its employees Ben Skalka and Carla Venzor (collectively, the defendants).

We review the district court's denial of a motion for default judgment for abuse of discretion. *Lewis v. Lynn*, 236 F.3d 766, 767 (5th Cir. 2001). Generally, a plaintiff may seek default judgment when a defendant fails to defend against a complaint. *See* FED. R. CIV. P. 55. The defendants in this case timely filed and served their motion to dismiss on Taylor Walker via certified mail to her last known address. *See* FED. R. CIV. P. 5(a)(1)(D); FED. R. CIV. P. 5(b)(2)(C). Although Taylor Walker contends she did not ultimately receive the mailing, service was complete as of the mailing date. *See* FED. R. CIV. P. 5(b)(2)(C). In arguing that she was not properly served, Taylor Walker relies entirely on Texas state rules and state case law, which are inapposite. Because the defendants did not default, the district court did not abuse its discretion in denying Taylor Walker's motions for default judgment. *See* FED. R. CIV. P. 55.

Taylor Walker has abandoned, by failing to brief, any challenge to the district court's dismissal of her complaint for failure to state a claim and to its award of costs to the defendants. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). To the extent that she seeks to raise any new claims for the first time on appeal, we decline to consider them. *See id.* at 225.

The district court's judgment is AFFIRMED.