

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2021

Lyle W. Cayce
Clerk

No. 20-40329
Summary Calendar

JARVIS DUGAS,

Plaintiff—Appellant,

versus

THE UNITED STATES OF AMERICA; THE STATE OF TEXAS; THE
JUDICIAL SYSTEM OF TEXAS; THE SOUTHERN DISTRICT OF
TEXAS COURT HOUSE; KEN PAXTON; MAGISTRATE JUDGE
JANICE B. ELLINGTON; ERICK ECHAVARRY; DONNA
PLANNSTIEL; DAVID J. BRADLEY; UNITED STATES DISTRICT
JUDGE HILDA G. TAGLE; PFANNSTIEL DONNAL,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:19-CV-302

Before HIGGINBOTHAM, HIGGINSON, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 20-40329

Jarvis Dugas, Texas prisoner # 1386881, filed this 42 U.S.C. § 1983 action in connection with his two prior civil cases. The district court dismissed his claims as frivolous and for failure to state a claim. Dugas timely appealed.

In his brief, Dugas does not challenge the district court's conclusions that his claims were frivolous and failed to state a claim. He has therefore abandoned any challenge to the district court's dismissal. *See* FED. R. APP. P. 28(a)(8); *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because he has not shown "exceptional circumstances" warranting the appointment of counsel, his motion for the appointment of counsel is DENIED. *See Baranowski v. Hart*, 486 F.3d 112, 126 (5th Cir. 2007); *Cupit v. Jones*, 835 F.2d 82, 86 (5th Cir. 1987); *Ulmer v. Chancellor*, 691 F.2d 209, 212 (5th Cir. 1982).

The district court's judgment is AFFIRMED. Pursuant to a prior decision that we issued while this appeal was pending, Dugas remains barred from proceeding in forma pauperis in any civil action or appeal filed in a court of the United States while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g); *Dugas v. Scott*, 853 F. App'x 998, 999 (5th Cir. 2021). He is WARNED that any pending or future frivolous or repetitive filings in this court or any court subject to this court's jurisdiction may subject him to additional sanctions. IT IS FURTHER ORDERED that the pending motion for appointment of counsel is DENIED.