

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2022

Lyle W. Cayce
Clerk

No. 22-20365

RANDALL E. ROLLINS,

Plaintiff—Appellant,

versus

ERIC CARTER, *In Individual and Official Capacity*; KATHLEEN STONE,
In Individual and Official Capacity; STATE OF TEXAS; HARRIS
COUNTY; DOES 1-100,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CV-1132

Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

This appeal presents a straightforward question of sovereign immunity. Here, Plaintiff-Appellant Randall Rollins brings claims against the State of Texas, Harris County, two justices of the peace in Harris County,

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

and numerous Does. Rollins alleges that Texas Rule of Civil Procedure 500.9 is unconstitutional because it gives justices discretion to permit or prohibit discovery. The district court faithfully applied the law when it correctly dismissed Rollins's claims.

Our colleagues recognized the same in a nearly identical case brought by Rollins against similar parties. *See Rollins v. Texas*, Case No. 21-20482. Rollins notes that the issues raised in this appeal were raised in that one, conceding that “[i]f the Court totally affirms in appeal No. 21-20482, then Appellant [Rollins] requests this appeal No. 22-20365 be likewise totally affirmed, since further action on nearly[]identical cases would be rendered superfluous.” The Defendants-Appellees agree.

We therefore affirm the district court's thorough decision, and deny Rollins' motion to expedite the ruling on appeal as unnecessary. Rollins' motion for leave to supplement the record with two appendices is also denied, because neither of the proposed materials need be entered into the record for this court's reference.¹

The district court's holding is **AFFIRMED**, and Rollins's motions before this court are **DENIED** as unnecessary.

¹ Appendix A is a copy of a law review article by Dean Erwin Chemerinsky, *Against Sovereign Immunity*, 53 STAN. L. REV. 1201 (2001). Appendix B includes excerpts of *McDonald & Carlson Texas Civil Practice* (2d ed.).