

United States Court of Appeals
for the Fifth Circuit

No. 24-40098

United States Court of Appeals
Fifth Circuit

FILED

July 16, 2025

Lyle W. Cayce
Clerk

SAMUEL C. GARDNER, *in his individual capacity and his capacity as
successor trustee of the 2014 PB living trust,*

Plaintiff—Appellant,

versus

GARY SINISE FOUNDATION,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:23-CV-99-SDJ

Before HIGGINBOTHAM, STEWART, and HAYNES, *Circuit Judges.*

PER CURIAM:*

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

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Gardner has filed a motion stating that “Gardner agrees with GSF regarding the applicability of the *Rooper-Feldman* doctrine, and . . . that the district court lacked subject matter jurisdiction,” raising the question of whether the parties wish to continue this litigation in federal court and whether *Rooper-Feldman* applies here. We REMAND this case to the district court for that inquiry.