

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 28, 2026

Lyle W. Cayce
Clerk

No. 25-20581
Summary Calendar

KWAME ADU-GYAMFI; CHLOE ADU-GYAMFI; NICHOLAS ADU-GYAMFI; KIMBERLY ADU-GYAMFI; NANA ADU-GYAMFI,

Plaintiffs—Appellants,

versus

MARMAXX OPERATING CORPORATION, *doing business as* T.J.
MAXX; THE TJX COMPANIES, INCORPORATED,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-CV-2044

Before KING, HIGGINSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

The plaintiffs appeal from the district court's grant of summary judgment to the defendants in this action arising from an incident in a T.J. Maxx store which resulted in the death of a customer. The plaintiffs raised claims for premises liability, negligence, wrongful death, and survival.

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

No. 25-20581

We review summary judgment de novo and apply the same standard as the district court. *See Rogers v. Bromac Title Servs., L.L.C.*, 755 F.3d 347, 350 (5th Cir. 2014). Summary judgment is proper if “the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” FED. R. CIV. P. 56(a).

The plaintiffs do not brief any specific challenge to the district court’s dismissal of their negligence, wrongful death, or survival claims. They also do not brief any challenge to the district court’s dismissal of their defective metal rack theory. Although we liberally construe pro se briefs, “even pro se litigants must brief arguments in order to preserve them.” *Mapes v. Bishop*, 541 F.3d 582, 584 (5th Cir. 2008). Accordingly, the plaintiffs have abandoned those claims. *See id.* at 584. In addition, reviewing the summary judgment record, we conclude that the plaintiffs have failed to establish the required elements for a premises liability claim. *See United Scaffolding, Inc. v. Levine*, 537 S.W.3d 463, 471-72 (Tex. 2017).

Accordingly, the judgment of the district court is AFFIRMED, and the plaintiffs’ motion for appointment of counsel is DENIED.