

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 10, 2025

Lyle W. Cayce
Clerk

No. 25-30065
Summary Calendar

ERIC L. ELLIS,

Plaintiff—Appellant,

versus

COREY PINCKLEY; CENTURION AUTO RECOVERY; CAPITAL ONE
AUTO FINANCE; JOHN DOE, *Unknown Bossier City Police Officer*;
LORENZA DEWAYNE LEVY, JR.; FISHER RAY NIXON,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:22-CV-345

Before CLEMENT, RICHMAN, and WILLETT, *Circuit Judges*.

PER CURIAM:*

Eric L. Ellis, proceeding pro se, appeals the dismissal of his claims arising out of the repossession of his 2013 Dodge Ram truck. Ellis asserted several constitutional and other claims against Centurion Auto Recovery (“Centurion”), Corey Pinckley, Capital One Auto Finance (“Capital

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

One”), and Bossier City police officers Lorenza Dewayne Levy, Jr., Fisher Ray Nixon, and unidentified John Doe. The district court dismissed Ellis’s claims against the officers on res judicata grounds, concluding that Ellis had already litigated the repossession of his vehicle in a prior suit against them. The court also dismissed Ellis’s claims against Capital One for failure to state a claim. With only Centurion and Pinckley remaining as defendants, the case proceeded to a jury trial. After Ellis rested, Centurion and Pinckley moved in open court for judgment as a matter of law under Federal Rule of Civil Procedure 50(a). Concluding that Ellis failed to meet his burden of proof, the district court granted the motion. Ellis challenges each of these decisions on appeal.

First, Ellis argues that the district court erred in dismissing his claims against Officers Levy and Nixon on res judicata grounds. He maintains that this case cannot be barred by res judicata because it commenced before Ellis’s other case. This argument lacks merit. While Ellis filed his other lawsuit after this one, a judgment was rendered in that case first. *See Procter & Gamble Co. v. Amway Corp.*, 376 F.3d 496, 500 (5th Cir. 2004) (“When two suits proceed simultaneously, . . . *res judicata* effect is given to the first judgment rendered.” (emphasis in original)); *see also Ellis v. Amex Life Ins. Co.*, 211 F.3d 935, 937–38 (5th Cir. 2000) (concluding that judgment in later-filed suit barred earlier-filed suit). Thus, the district court properly dismissed these claims.

Second, Ellis contends the district court was wrong to dismiss his breach-of-contract claim against Capital One because it was properly pleaded. We disagree. Ellis’s conclusory allegations—unsupported by any well-pleaded facts—justified dismissal of the claim. *See Coleman v. Lincoln Par. Det. Ctr.*, 858 F.3d 307, 309 (5th Cir. 2017) (per curiam) (“[E]ven for pro se plaintiffs . . . ‘conclusory allegations or legal conclusions masquerading as factual conclusions will not suffice’ to state a claim for relief.” (quoting

Taylor v. Books A Million, Inc., 296 F.3d 376, 378 (5th Cir. 2002)). Ellis presents no compelling reason to resurrect it.

Third, Ellis asserts the district court erred by granting Centurion and Pinckley's motion for judgment as a matter of law because the evidence did not support it. Ellis, as the Appellant in this case, was responsible for supporting this evidentiary challenge with pertinent transcripts of the district court proceedings. He has failed to do so. *See* FED. R. APP. P. 10(b)(1)(A), (b)(2); *Richardson v. Henry*, 902 F.2d 414, 415–16 (5th Cir. 1990). Without a transcript, we cannot meaningfully review Ellis's arguments. Accordingly, we dismiss the appeal on this issue. *See Richardson*, 902 F.2d at 416.

As for Ellis's remaining arguments, we need not address them because they are neither germane to the issues on appeal nor adequately briefed. *See Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993) (finding that the appellant "abandoned . . . arguments by failing to argue them in the body of his brief"); *see also Brinkmann v. Dall. Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987) (failure to identify an error in the district court's legal analysis "is the same as if [the appellant] had not appealed that judgment").

Accordingly, the judgment of the district court is AFFIRMED in part, and the appeal is DISMISSED in part. Ellis's motion for summary disposition is DENIED.