

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

March 10, 2026

Lyle W. Cayce  
Clerk

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No. 25-40791

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DAVID R. PETE,

*Plaintiff—Appellant,*

*versus*

SMALL BUSINESS ADMINISTRATION; TREASURY OFFSET  
DIVISION,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:25-CV-223

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Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

In May 2025, David Pete sued the Small Business Administration (SBA) and the Treasury Department's Treasury Offset Program, alleging that they unlawfully executed a federal garnishment against his disability benefits in violation of various statutory protections and due process. The magistrate judge recommended sua sponte dismissal under Rule 12(h)(3)

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

No. 25-40791

because (1) Pete failed to identify any waiver of federal sovereign immunity permitting suit against the SBA, and (2) the Treasury Offset Program—misabeled as the Treasury Offset Division—is a government program, not a suable government entity. Pete objected. The district court agreed with the magistrate judge and therefore overruled Pete’s objections, adopted the magistrate judge’s recommendation, and dismissed the claims without prejudice for lack of subject-matter jurisdiction. Pete appeals.

Having reviewed the record and the briefing, we find no reversible error. **AFFIRMED.**