

United States Court of Appeals
for the Fifth Circuit

No. 25-50234

United States Court of Appeals
Fifth Circuit

FILED

July 16, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ELIAS MENDOZA,

Defendant—Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:16-CR-68-2

Before STEWART, WILLETT, and WILSON, *Circuit Judges*.

PER CURIAM:*

Elias Mendoza, federal prisoner #68675-380, seeks leave to proceed in forma pauperis (IFP) in this appeal from the denial of his petition for writ of audita querela. The motion is a challenge to the district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

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

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Mendoza fails to address the district court's reasons for the denial of his petition. Pro se briefs are afforded liberal construction. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). Nevertheless, when an appellant fails to identify any error in the district court's analysis, it is the same as if the appellant had not appealed the decision. *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Because Mendoza has failed to challenge any factual or legal aspect of the district court's denial of his petition or the certification that his appeal is not taken in good faith, he has abandoned the critical issue of his appeal. *See id.* Thus, the appeal lacks arguable merit. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, the motion for leave to proceed IFP is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.