

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 28, 2026

No. 25-50742

Lyle W. Cayce
Clerk

HENRY B. BERROCAL, HUMANITY FOR WISDOM; ELEGANT
HAPPY REAL ESTATE; CYCLE OF MANAGEMENT FINANCIAL
SUPPORT,

Plaintiffs—Appellants,

versus

SAN ANTONIO POLICE DEPARTMENT-HEADQUARTERS; WILLIAM
McMANUS, *Chief of Police*; BEXAR COUNTY ADULT DETENTION
CENTER; JAVIER SALAZAR, *in his Individual and Official Capacity*;
MUNICIPAL COURT; FREDERICK P. GARCIA, JR., *in his Individual
and Official Capacity*; SAN ANTONIO DEVELOPMENT SERVICE;
MICHAEL SHANNON, *Director of Development Services for the City of San
Antonio, Professional Engineer and Code Enforcement Officer, in his Individual
and Official Capacity*; SAN ANTONIO IMPOUND FACILITY; RON
NIRENBERG, *Mayor, in his Individual and Official Capacity*; ALANIS
WRECKER SERVICE, L.L.C.; JAMES M. GARCIA; GILBERT
MACIAS,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:23-CV-1319

Before HIGGINSON, WILLETT, and OLDHAM, *Circuit Judges.*

No. 25-50742

PER CURIAM:*

Henry B. Berrocal seeks to proceed in forma pauperis (IFP) from the dismissal of his 42 U.S.C. § 1983 complaint. Berrocal's IFP motion is a challenge to the district court's certification that any appeal would not be taken in good faith because Berrocal will not present a nonfrivolous appellate issue. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Berrocal contends that the district court's July 11, 2025 dismissal order, as well as the final judgment dismissing the entire action, should be vacated on the basis that his due process rights were violated where he was prevented from responding due to arrests, detention, and physical injury. However, the district court granted a stay due to Berrocal's incarceration early in the proceedings, provided Berrocal multiple opportunities to respond to the defendants' motions to dismiss, and correctly observed that Berrocal's circumstances did not prevent him from filing pleadings in an unrelated case before the court. Berrocal's due process claim does not present a nonfrivolous issue as the record reflects he had "the opportunity to be heard at a meaningful time and in a meaningful manner." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976) (internal quotations marks and citation omitted). He abandons, by failing to meaningfully brief, the remainder of his arguments. *See Brinkmann v. Dall. Cnty. Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Because Berrocal fails to show that his appeal will involve a nonfrivolous issue with respect to the dismissal of his § 1983 action, his IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202; *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.

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