

United States Court of Appeals
for the Fifth Circuit

No. 25-50962
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 15, 2026

Thomas B. Plunkett, III
Clerk

BARRY PERCELLE; YOLANDA PERCELLE,

Plaintiffs—Appellants,

versus

FREEDOM MORTGAGE CORPORATION; REAL STAR PROPERTY
MANAGEMENT,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:24-CV-117

Before HIGGINBOTHAM, SMITH, and HO, *Circuit Judges*.

PER CURIAM:*

Barry Percelle and Yolanda Percelle appeal the district court's judgment granting the motions for summary judgment filed by Freedom Mortgage Corporation and Real Star Property Management (Real Star) and dismissing their claims. They argue that the district court: (1) abused its discretion by denying their motion for a temporary restraining order without

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

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conducting the balancing of equities required by Rule 65 of the Federal Rules of Civil Procedure, (2) violated their procedural due process rights by excusing Real Star's failure to timely respond following removal without addressing the delay, (3) failed to address the issues of spoliation and concealment raised by them, and (4) failed to address removal defects and the state bond paid by them.

The Percelles have forfeited any argument that the district court erred by granting summary judgment based on their failure to file a response to the motions for summary judgment. *See Procter & Gamble Co. v. Amway Corp.*, 376 F.3d 496, 499 n.1 (5th Cir. 2004). Moreover, even with the benefit of liberal construction, the Percelles have abandoned the issues raised in their appeal due to their failure to adequately brief those issues. *See Haines v. Kerner*, 404 U.S. 519, 520 (1972); *Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995); *United States v. Stalnaker*, 571 F.3d 428, 439-40 (5th Cir. 2009); FED. R. APP. P. 28(a)(8)(A).

AFFIRMED.