

# United States Court of Appeals for the Fifth Circuit

---

No. 25-50973  
Summary Calendar

---

United States Court of Appeals  
Fifth Circuit

**FILED**

May 5, 2026

Lyle W. Cayce  
Clerk

CHRISTOPHER BRANDT,

*Plaintiff—Appellant,*

*versus*

MARKWAYNE MULLIN, *Secretary, U.S. Department of Homeland  
Security,*

*Defendant—Appellee.*

---

Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:25-CV-1352

---

Before DAVIS, WILSON, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

After his discharge from the Department of Homeland Security, Immigration and Customs Enforcement, Plaintiff-Appellant Christopher Brandt sued pro se and sought pauper status. That request was referred to a

---

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

No. 25-50973

magistrate judge in accordance with the district court's Standing Order.<sup>1</sup> After granting Brandt pauper status, the magistrate judge screened his complaint and recommended dismissal for failure to state a claim upon which relief can be granted.<sup>2</sup> The report and recommendation (R&R) advises Brandt of his right to object to the R&R within 14 days per 28 U.S.C. § 636(b)(1) and federal Rule 72(b).<sup>3</sup> Ten days later, Brandt filed a "Notice of Appeal and Objection to Magistrate Judge's Order" (Notice). The Notice contains specific objections to the R&R and urges the district judge to let Brandt prosecute his case.

Brandt's Notice was construed as a notice of appeal to this court. But based on the substance of the filing, we conclude the Notice is better understood to be objections to the R&R for the district judge to decide. We therefore DISMISS the appeal and REMAND the case to the district court with instructions to construe Brandt's Notice as objections to the R&R. We express no opinion on the merits.

---

<sup>1</sup> See *Standing Order Regarding In Forma Pauperis Case Management* (W.D. Tex. Oct. 8, 2019).

<sup>2</sup> A district court "shall dismiss" an in forma pauperis complaint if the suit is "frivolous or malicious;" "fails to state a claim on which relief may be granted;" or "seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B)(i)-(iii).

<sup>3</sup> See FED. R. CIV. P. 72(b).