

United States Court of Appeals for the Fifth Circuit

No. 25-50988
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 15, 2026

Lyle W. Cayce
Clerk

REJOYCE FOUNDATION; RICKYE HENDERSON,

Plaintiffs—Appellants,

versus

ARMBRUST & BROWN, P.L.L.C.; DAVID KING, *in his individual and official capacities*; GUILLERMO ALARCON, *in his individual and official capacities*; JAN SOIFER, *Judge, in her individual and official capacities*; GISELA D. TRIANA, *Justice, in her individual and official capacities*; SCOTT McCOWN, *Judge, in his individual and official capacities*; JUDGE MANGRUM, *in her individual and official capacities*; DUSTIN MARK HOWELL, *Judge, in his individual and official capacities*; JACK SIGMAN, *in his individual and official capacities*; JOHN MICKLESON; JILL ZYSKOWSKI, *in her individual and official capacities*; CHAD MESSERSMITH, *in his individual and official capacities*; JEFFREY WATTS, *in his individual and official capacities*; KENNETH CARTER; ATAIN SPECIALTY INSURANCE COMPANY; THIRD COURT OF APPEALS, STATE OF TEXAS; TEXAS SUPREME COURT; TEXAS DEPARTMENT OF INSURANCE; TEXAS STATE BAR; STATE COMMISSION ON JUDICIAL CONDUCT,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:25-CV-1179

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Before JONES, HO, and WILSON, *Circuit Judges*.

PER CURIAM:*

Ricky Henderson appeals the district court’s judgment dismissing his claims as frivolous under 28 U.S.C. § 1915(e) and entering a pre-filing injunction against him. We affirm.

“Under § 1915(e)(2)(B), the district court is required to dismiss an [*in forma pauperis*] case ‘at any time’ if it determines that the case is ‘frivolous or malicious’ or ‘fails to state a claim on which relief may be granted.’” *Doe v. Charter Commc’ns, L.L.C.*, 131 F.4th 323, 327 (5th Cir. 2025) (citations omitted). “‘We review dismissals as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i) for abuse of discretion.’” *Id.* (citation omitted). This court “liberally construe[s] pro se complaints, which are held ‘to less stringent standards than formal pleadings drafted by lawyers.’” *Id.* at 328 (quoting *Haines v. Kerner*, 404 U.S. 519, 520 (1972)). However, “[t]hat his filings are *pro se* offers [Henderson] no impenetrable shield, for one acting *pro se* has no license to harass others, clog the judicial machinery with meritless litigation, and abuse already overloaded court dockets.” *Ferguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir. 1986).

The district court did not abuse its discretion in dismissing Henderson’s claims as frivolous.

This case stems from a quiet-title action brought by Ali Arabzadegan against Henderson in Travis County District Court. Henderson executed a lease with Arabzadegan for a commercial property in Austin, Texas. A deceptive scheme followed: Henderson only paid rent for two months, deceived Arabzadegan into signing a quitclaim deed for the property, and

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

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then tried to pocket the insurance proceeds from a fire that he caused. The Travis County District Court awarded Arabzadegan millions of dollars in damages on April 2, 2024, following a bench trial. Though he was given notice, Henderson failed to appear at trial. *Id.*

Now saddled with a multi-million-dollar judgment, Henderson filed two lawsuits in state court against Arabzadegan challenging the judgment. He was declared a vexatious litigant by the state court under the Texas Civil Practice and Remedies Code on June 12, 2024.¹ Less than a month later, he shifted his campaign to the Western District of Texas, filing the first of four *pro se* cases related to the state court judgment.² In one of those cases, the district judge warned Henderson that his frivolous and duplicative suits could result in a pre-filing injunction. Unphased, Henderson filed two more cases after this warning, including the case giving rise to this appeal.

Henderson filed his latest action, a twelve-count³ complaint in federal court, on July 29, 2025, asserting claims against, *inter alia*, Armbrust &

¹ Henderson takes issue with this declaration, asserting that it was entered *ex parte* and without notice. It is not clear whether Henderson had even appeared in the state court case by the time the vexatious litigant declaration was made. Regardless, the federal district court clearly provided him with adequate notice, as explained below.

² *Henderson v. Soifer et al*, 1:24-cv-771 (W.D. Tex. July 8, 2024). The subsequent cases were *Henderson v. Atain Insurance Co. et al.*, 1:24-cv-1208 (W.D. Tex. Oct. 9, 2024); *Henderson v. Arabzadegan*, 1:25-cv-450 (W.D. Tex. March 26, 2025); and *The ReJoyce Foundation et al v. Armbrust & Brown, PLLC et al.*, 1:25-cv-1179 (W.D. Tex. July 29, 2025).

Of note, Henderson also filed a case pertaining to a separate insurance dispute in May 2017. *Henderson v. Buttross et al.*, 1:17-cv-436 (W.D. Tex. May 10, 2017). Like the others, that case was dismissed as frivolous.

³ Those counts encompassed claims based on (1) § 1983, (2) the Equal Protection and Due Process Clauses, (3) conspiracy to interfere with civil rights, (4) Title VI of the Civil Rights Act, (5) racially motivated civil conspiracy, (6) malicious prosecution, (7) fraud and constructive fraud, (8) intentional infliction of emotional distress, (9) violation of the supremacy clause, (10) declaratory and injunctive relief, (11) violation of First Amendment rights, and (12) obstruction of justice and official misconduct.

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Brown, PLLC (the firm that represented Arabzadegan), two attorneys from that firm, five judges, and an insurance company (along with an attorney, agent, adjuster, and two representatives of said company). In Henderson’s words, “[t]he complaint alleged a coordinated scheme to obtain a fraudulent multi-million-dollar default judgment against” him. Henderson filed at least 61 motions and 41 related filings in the case—within a four-month period.

In November 2025, the district court adopted the magistrate judge’s Report and Recommendation that Henderson’s claims should be dismissed, overruling Henderson’s objections. The district court dismissed the claims as frivolous under § 1915(e)(2)(B)—consistent with Henderson’s three other federal cases—and issued a pre-filing injunction.⁴ This appeal followed.

Henderson’s filings before this court are more of the same. He has filed seven motions in one month,⁵ many of which are redundant, incoherent,

⁴ The injunction has a limited scope. It bars Henderson from filing any future actions *pro se* and *in forma pauperis* in the Western District of Texas *relating to* the destruction by fire of any property he owned or leased, and any related legal or investigative action, without prior written permission from a Fifth Circuit or district court judge.

⁵ See Dkts. 13 (Consolidated Notice of Individual Proceeding, Motion to Preserve Appellant Status, and Motion for Appointment or Referral of Counsel), 23 (Emergency Motion for Judicial Notice and for Protective Relief Due to Imminent Danger and Denial of Effective Access to Counsel), 24 (Emergency Motion for Judicial Notice, Sanctions, and Finding of Fraud Upon the Court), 25 (Appellant’s Emergency Motion for Judicial Notice, Rule 28(j) Notice of Constitutional Concerns, and Declaration of Rickye Bernard Henderson, Sr. Regarding Recorded Threats of Lethal Violence and Disparate Enforcement), 27 (Appellant’s Motion for Judicial Notice of Lease Agreement Demonstrating Prior Material Breach and Illegal Self-Help Eviction Provisions), 30 (Expedited Emergency Motion for Judicial Notice, Record Supplementation, and Notice of Credible Threat), 31 (Expedited Consolidated Motion for Judicial Notice, Record Supplementation, and Notice of Credible Threat (Including Pattern of Gun Violence at Homestead)).

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and attempt again to attack the underlying state court judgment.⁶ This pattern of “clog[ging] the judicial machinery with meritless litigation, and abus[ing] already overloaded court dockets” must come to an end. *Ferguson v. MBank Houston, N.A.*, 808 F.2d 358, 359 (5th Cir. 1986). First, on the merits, the district court did not abuse its discretion in dismissing Henderson’s claims as frivolous under § 1915(e)(2)(B). And given his litigation history—which his conduct before this court corroborates—the district court did not abuse its discretion in imposing a pre-filing injunction.

Finally, in certain of his pending motions, Henderson indicates that Arabzadegan and his family members are threatening him, and that this court has a duty to address this criminal conduct. Without denigrating those concerns, this court lacks the authority to initiate criminal prosecutions, so we cannot order the relief he seeks as to this issue. *United States v. Davis*, 285 F.3d 378, 383 (5th Cir. 2002) (noting that the court “dispelled the notion that [federal courts] had the power to compel the executive branch to initiate prosecution[s]”).

* * *

⁶ This bolsters the district court’s holding that it lacked subject-matter jurisdiction over the case under the *Rooker-Feldman* doctrine. The doctrine applies to “cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments.” *See Eng. v. Crochet*, 154 F.4th 369, 373 (5th Cir. 2025) (quoting *Exxon Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005)).

Henderson clearly asserts an injury flowing from the state court judgment itself. Across his motions and briefing, Henderson repeats that the state court judgment cannot stand given the documents he has produced, that it was “illegal” and based on false allegations, and that it threatens to destroy his financial stability. He even explicitly re-hashes merits arguments (*e.g.*, he had rights to the property because he had a valid lease and he never conveyed the property).

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We discern no abuse of discretion in the district court's dismissal of Henderson's claims or in imposing its pre-filing injunction. Accordingly, the judgment of the district court is AFFIRMED.

IT IS ORDERED that appellant's motions for judicial notice (Dkts. 23–25, 27, 30–31) are DENIED.

IT IS FURTHER ORDERED that appellant's motion for appointment of counsel (ECF 13) is DENIED AS MOOT.⁷

⁷ The court would have also denied this request on its merits, as the district court did. There are no “‘exceptional circumstances’” justifying the appointment of counsel in this matter. *Delaughter v. Woodall*, 909 F.3d 130, 141 (5th Cir. 2018) (quoting *Ulmer v. Chancellor*, 691 F.2d 209, 213 (5th Cir. 1982)).