

United States Court of Appeals
for the Fifth Circuit

No. 26-10074

United States Court of Appeals
Fifth Circuit

FILED
September 11, 2026

Lyle W. Cayce
Clerk

PETER J. POLINSKI,

Plaintiff—Appellant,

versus

AVONDALE PREMIER COLLECTION; PREMIERE CAR
COLLECTION, AN AVONDALE DEALERSHIP,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:24-CV-3267

Before STEWART, RICHMAN, and HAYNES, *Circuit Judges*.

PER CURIAM:*

Peter J. Polinski seeks to proceed in forma pauperis (IFP) on appeal from the dismissal of his 42 U.S.C. § 1983 complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted. The ruling additionally declared Polinski a

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

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vexatious litigant and ordered him to obtain leave of court before filing additional lawsuits in the Northern District of Texas.

By moving in this court to proceed IFP, Polinski is challenging the district court's certification that his appeal would not be taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry into whether the appeal is taken in good faith "is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citation omitted).

Polinski argues that the district court abused its discretion and violated his right to due process when it imposed the district-wide prefiling restriction on the magistrate judge's recommendation, to which Polinski objected, without proper safeguards, narrow tailoring, or a meaningful opportunity to respond. He also contends that the district court's blanket certification that any appeal would not be taken in good faith was overbroad, that the district court should have provided him with the opportunity to amend his complaint, and that the district court erroneously relied on § 1915A(b) since he was not a prisoner. Polinski does not raise a nonfrivolous issue for appeal. *See Qureshi v. United States*, 600 F.3d 523, 525-26 (5th Cir. 2010) (prefiling injunction); *Brewster v. Dretke*, 587 F.3d 764, 768 (5th Cir. 2009); *Haynes v. Scott*, 116 F.3d 137, 139-40 (5th Cir. 1997).

Because Polinski fails to show that his appeal will involve a nonfrivolous issue, his motion to proceed IFP is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; *Howard*, 707 F.2d at 220; 5TH CIR. R. 42.2.

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HAYNES, Circuit Judge, *dissenting*:

By moving in this court to proceed IFP, Polinski is challenging the district court's certification that his appeal was not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Polinski's appeal involves at least one "legal point[] arguable on [the] merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citation omitted). Polinski has also demonstrated that he is financially eligible to proceed IFP. See *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948).

Accordingly, I would grant his IFP and request that the parties file briefs in this case, including appellees in the briefing schedule to the extent practicable. Accordingly, I respectfully dissent.