

United States Court of Appeals
for the Fifth Circuit

No. 26-10083

United States Court of Appeals
Fifth Circuit

FILED

August 28, 2026

Lyle W. Cayce
Clerk

VERA DAVIS-CLEWIS,

Plaintiff—Appellant,

versus

DEPARTMENT OF VETERANS AFFAIRS, UNITED STATES OF
AMERICA,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:25-CV-529

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

PER CURIAM:*

Vera Davis-Clewis moves for leave to proceed in forma pauperis (IFP) on appeal from the time-bar dismissal of her private civil action. By moving for leave to proceed IFP on appeal, Davis-Clewis challenges the district court's determination that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry, therefore, "is limited to whether the appeal involves 'legal points arguable on their merits

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

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(and therefore not frivolous).’” *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (citation omitted).

Davis-Clewis does not dispute either that the thirty-day filing deadline in 5 U.S.C. § 7703(b)(2) applies or that the United States Merit System Protections Board (MSPB) decision at issue became final on October 4, 2024. The district court determined that her November 25, 2024 filing in the Federal Circuit was three weeks too late to meet the applicable filing deadline. Davis-Clewis primarily challenges the district court’s conclusion that equitable tolling was not warranted, citing her pro se status and difficulty navigating the administrative system. However, the merits of the claims are irrelevant to the equitable tolling analysis, *see Harris v. Boyd Tunica, Inc.*, 628 F.3d 237, 239 (5th Cir. 2010), and Davis-Clewis offers no substantive explanation as to how she misinterpreted the MSPB’s clear directive regarding the process for seeking judicial review of discrimination claims. In any event, a pro se litigant’s ignorance of the law and unfamiliarity with the legal process generally do not warrant equitable tolling. *See Barrow v. New Orleans S.S. Ass’n*, 932 F.2d 473, 478 (5th Cir. 1991).

Accordingly, Davis-Clewis fails to identify a nonfrivolous issue for appeal. *See Howard*, 707 F.2d at 220. The IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.