

United States Court of Appeals for the Fifth Circuit

No. 26-10455
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 12, 2026

Thomas B. Plunkett, III
Clerk

ELIJAH WHITE RATCLIFF,

Plaintiff—Appellant,

versus

OLD AMERICAN COUNTY MUTUAL INSURANCE COMPANY;
MARQUEZ INES TOLENTINO,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:26-CV-620

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

PER CURIAM:*

In December 2025, Elijah Ratcliff was struck by a vehicle driven by Marquez Ines Tolentino while walking in a pedestrian crosswalk. Immediately following the accident, Ratcliff was transported to a local hospital where initial x-rays revealed no bone fractures. A few days later, Ratcliff returned to the hospital reporting that his injuries had worsened. An

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

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MRI subsequently revealed that Ratcliff had bone fractures requiring hospitalization and physical therapy.

In February 2026, Ratcliff filed suit against Tolentino and his insurance provider, Old American County Mutual Insurance Company (Old American) in the United States District Court for the Northern District of Texas under 28 U.S.C. §§ 1983 & 1985 and the First Amendment. Ratcliff alleged that Tolentino and Old American engaged in a bifurcated conspiracy against him involving the “weaponizing [of] motor vehicle transportation calculated to deprive [Ratcliff] of free speech and related privileges.” Ratcliff alleged damages in the amount of \$1,000,000.00.

Ratcliff’s case was referred to a United States Magistrate Judge in the Northern District of Texas. The magistrate judge recommended dismissing the lawsuit without prejudice based on Ratcliff’s failure to comply with prior sanctions orders and for a lack of subject-matter jurisdiction. The magistrate judge also recommended warning Ratcliff that continued frivolous filings could result in additional sanctions. The district court accepted the recommendation and dismissed Ratcliff’s claims without prejudice.

Fourteen days after the district court dismissed his claims, Ratcliff filed a motion for judgment on the pleadings. Because Ratcliff filed the motion within twenty-eight days after the district court’s entry of judgment, the court construed it as a motion to alter or amend the judgment under Federal Rule of Civil Procedure 59(e) and then denied relief.

Ratcliff followed with a motion for rehearing eight days later. The district court construed Ratcliff’s motion for rehearing as a motion to amend under Rule 59(e), as it was also filed within twenty-eight days of the district court’s previous ruling. Once again, the district court denied Ratcliff’s motion.

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Ratcliff now appeals the district court's judgment. On appeal, Ratcliff contends that Tolentino and Old American failed to file an answer and that the magistrate judge exhibited bias and prejudice. Although the record indicates that Tolentino and Old American did not file a response, Ratcliff fails to explain how their failure to do so establishes error in the district court's judgment. Likewise, Ratcliff identifies no evidence of bias or prejudice by the magistrate judge, relying instead on conclusory allegations unsupported by the record. In other words, Ratcliff fails to establish any legal or factual basis supporting his claims or for disturbing the district court's judgment.

We have carefully considered this appeal in light of the district court's thorough opinion and pertinent portions of the record. After review, we conclude that the district court carefully considered the case brought by Ratcliff and committed no reversible error in its decision. Accordingly, we AFFIRM that court's judgment for essentially the reasons stated in its well-reasoned opinion.