

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

September 17, 2026

Lyle W. Cayce
Clerk

No. 26-20051
Summary Calendar

YUCOB RYLANDER,

Plaintiff—Appellant,

versus

MARY ELIZONDO FRAZIER, *Individually and in her official capacity
as Attorney at Bradley Arant Boult Cummings L.L.P.*;
BRADLEY ARANT BOULT CUMMINGS L.L.P.,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:25-CV-2081

Before SMITH, STEWART, and SOUTHWICK, *Circuit Judges.*

PER CURIAM: *

Yucob Rylander appeals the dismissal with prejudice of his federal civil claims for failure to state a claim and the dismissal without prejudice of his state claims. We review a Federal Rule of Civil Procedure 12(b)(6) dismissal for failure to state a claim *de novo*, “accept[ing] all well-pleaded facts

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

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as true” and “construing all reasonable inferences in the light most favorable to the plaintiff.” *Hernandez v. W. Tex. Treasures Est. Sales, L.L.C.*, 79 F.4th 464, 469 (5th Cir. 2023).

According to Rylander, the district court erred in dismissing his 42 U.S.C. § 1983 claim because (1) the state trial judge mishandled his recusal motion; (2) Mary Frazier colluded with the state trial judge and the presiding judge, who ruled on the recusal motion to deny his recusal motion; and (3) Frazier conducted “email court” with the presiding judge and her assistant. Rylander has not shown that the district court erred in concluding that he failed to state a § 1983 claim because Frazier acted within the scope of her representation of her client when she filed a response to Rylander’s recusal motion, sought attorneys’ fees and costs associated with responding to the motion, and used email to communicate with the presiding judge’s assistant. *See Hernandez*, 79 F.4th at 469.

Rylander has not identified any error in the dismissal of his 42 U.S.C. § 1985(3) claim for failure to state a claim because he did not allege racial animus. Therefore, he has abandoned that issue by failing to address it adequately in his brief. *Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993).

As for his RICO claim, Rylander failed to allege sufficient facts to state a claim that Frazier and the law firm committed racketeering activity that proximately caused him to suffer an injury. *See Lewis v. Danos*, 83 F.4th 948, 956 (5th Cir. 2023). Rylander also failed to allege sufficient facts to state a claim that Frazier and the law firm violated RICO by moving for a vexatious-litigant order against him in a separate state lawsuit. Therefore, the district court did not err in dismissing his civil RICO claim. *See Hernandez*, 79 F.4th at 469.

Rylander posits that the district court erred by denying him access to electronic filing. But the judgment was based on Rylander’s allegations in his

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complaint, not on documentary evidence. *See Hernandez*, 79 F.4th at 469. Further, he could have filed documents by mail. The district court did not abuse its discretion by denying him access to electronic filing. *See Macklin v. City of New Orleans*, 293 F.3d 237, 240 (5th Cir. 2002).

For the first time on appeal, Rylander maintains that he was prejudiced by the appellees' reference to another state court lawsuit he filed because it was the equivalent of introducing Federal Rule of Evidence 404(b) evidence of prior bad acts. We will not consider a claim not raised in the district court. *See Leverette v. Louisville Ladder Co.*, 183 F.3d 339, 342 (5th Cir. 1999) (per curiam).

Rylander contends that the district court did not conduct a *de novo* review of the magistrate judge's report. The district court expressly stated, however, that it reviewed *de novo* the magistrate judge's report and his objections. We will assume that the district court reviewed the record *de novo* in the absence of evidence to the contrary. *See Warren v. Miles*, 230 F.3d 688, 694 (5th Cir. 2000). Further, the magistrate judge's orders staying discovery and requiring authorization for filing additional motions were authorized under 28 U.S.C. § 636(b)(1)(A).

Rylander claims that the district court violated his due process rights by allowing the appellees to file a response to his objections and by not allowing him to file a reply. The court did not abuse its discretion, given that Federal Rule of Civil Procedure 72(b)(2) permitted the appellees to file a response and did not expressly allow Rylander to file a reply. *See Valderas v. City of Lubbock*, 937 F.3d 384, 389 (5th Cir. 2019). The district court also did not violate his due process rights by not allowing him to file a reply. *See Wilkinson v. Austin*, 545 U.S. 209, 221 (2005).

Finally, Rylander abandoned the following alleged errors by failing to address them adequately in his opening brief: (1) The district court erred in

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denying him leave to amend¹; (2) it erred in finding that his complaint did not plausibly allege participation with state actors; (3) it did not state legal grounds for its findings; (4) it erred in denying Rylander's sanction motions; (5) it erred in dismissing his criminal claims; (6) it erred by not addressing his state law claims; and (7) it erred in denying his request for an exemption from PACER fees. *See Yohey*, 985 F.2d at 225.

AFFIRMED.

¹ Rylander's discussion of this issue in his *reply* brief comes too late and "need not be considered." *Liedtke v. City of Austin*, 185 F.4th 560, 573 (5th Cir. 2026) (citation and quotation marks omitted).