

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. 26-30019
Summary Calendar

KEVIN HEWITT DUKES,

Plaintiff—Appellant,

versus

SIDNEY GAUTREAUX, *In his individual capacity*; EAST BATON ROUGE PARISH SHERIFF'S OFFICE; MICHAEL CANELLA, *In his individual capacity*; SCOTT HENNING, *In his individual capacity*; HILLAR MOORE, *In her individual capacity*; EAST BATON ROUGE DISTRICT ATTORNEY OFFICE; IRENA ZAJICKOVA, *In her individual capacity*; TARVALD SMITH, *In his individual capacity*; UNKNOWN DOES; ELIZABETH B. MURRILL, *Attorney General, State of Louisiana*; JEFFREY M. LANDRY, *Governor, State of Louisiana*; TODD WALLACE BLANCHE, *Acting U.S. Attorney General*; CLERK OF COURT, 19TH JDC; JUDGE CARSON MARCANTEL, *for judicial misconduct*; LAFAYETTE PARISH SHERIFF'S OFFICE AND ITS DEPUTIES,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:25-CV-76

Before SOUTHWICK, HIGGINSON, and WILLETT *Circuit Judges.*

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PER CURIAM:*

Kevin Hewitt Dukes, proceeding pro se, moves for leave to proceed in forma pauperis (IFP) in this appeal of the district court's order (i) dismissing with prejudice his claims against (a) Judge Carson Marcantel of the Nineteenth Judicial District Court for the Parish of East Baton Rouge and (b) the Lafayette Parish Sheriff's Office (LPSO); (ii) dismissing without prejudice his claims against East Baton Rouge Parish Sheriff Sidney J. Gautreaux, III; and (iii) severing and transferring his remaining claims to the United States District Court for the Western District of Louisiana. Dukes's IFP motion is a challenge to the district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Dukes contends that the district court erred by (1) failing to identify the statutory basis for the court's subject matter jurisdiction; (2) dismissing his amended complaint "at the screening stage before service of process"; (3) dismissing his complaint without allowing him an opportunity to amend under Federal Rule of Civil Procedure 15; and (4) concluding that his argument regarding the issuance of summonses and *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024), was not preserved because he failed to raise it in his objections to the magistrate judge's report. Upon review of the record, we conclude that none of those arguments raises a nonfrivolous issue for appeal. We additionally conclude that Dukes does not otherwise meaningfully brief any challenge to the district court's substantive reasons for the dismissal of his claims against Judge Marcantel, the LPSO, and Gautreaux and the severance and transfer of his remaining claims. As such, he has abandoned any such challenge. *See United States v. Whitfield*, 590 F.3d

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

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325, 346 (5th Cir. 2009); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Because Dukes fails to make the requisite showing that he will present a nonfrivolous issue for appeal, *see Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983), his motion to proceed IFP is DENIED, and his appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.