

United States Court of Appeals
for the Fifth Circuit

No. 26-50352
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 19, 2026

Thomas B. Plunkett, III
Clerk

KEAIRE ALVIN WEBB,

Plaintiff—Appellant,

versus

CODY JOHNSTON, *Officer #7635 with Round Rock Police Department;*
CITY OF ROUND ROCK,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:26-CV-138

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

PER CURIAM:*

In February 2024, Keaire Webb was pulled over by Round Rock Police Officer Cody Johnston due to an alleged defective tail lamp and an expired registration. After Officer Johnston asked for his driver’s license and proof of insurance, Webb stated that he did “not wish to answer any more questions.” Officer Johnston called three additional officers for backup and

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

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returned with “paperwork and a clipboard.” Officer Johnston demanded Webb’s signature “under threat of arrest.” Webb then asked Officer Johnston if he had a warrant. Officer Johnston replied that a warrant was unnecessary because he observed the violations. After Webb refused to sign the citation, officers “forcibly opened the door, pulled [Webb] out of his vehicle, handcuffed him, searched him without warrant or consent, and impounded his vehicle.” Webb was brought to jail.

Webb was charged with traffic violations relating to the defective tail lamp and an expired registration. He was ordered to appear for a pre-trial hearing. Webb then filed multiple motions and jurisdictional challenges to the municipal and county courts. Webb asserts “no valid criminal complaint was filed” and that all of his filings “were denied or ignored without hearing or explanation.” He pleads, however, that the court “ruled against him” and he continues to receive notices requiring the payment of fines.

Webb then filed suit against Officer Johnston and the City of Round Rock, Texas under 42 U.S.C. § 1983 for violations of the First, Fourth, Fifth, Ninth, and Fourteenth Amendments.¹ Webb sought leave to proceed *in forma pauperis*, which prompted a magistrate judge to screen his complaint under 28 U.S.C. § 1915(e).

The magistrate judge granted the application to proceed *in forma pauperis* and recommended the dismissal of the case without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). The magistrate judge found Webb’s claims barred by *Heck v. Humphrey* because he did not claim his “conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination,

¹ In his amended complaint that was treated as an objection to the report and recommendation, Webb added a *Monell* claim against the City of Round Rock.

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or called into question by a federal court's issuance of a writ of habeas corpus." 512 U.S. 477, 486–87 (1944).

The district court adopted the report and recommendation and dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B). The district court construed Webb's amended complaint as objections to the report and recommendation, but it concluded that the amended complaint did not cure the defects identified by the magistrate judge. After Webb's subsequent motion to alter or amend the judgment was denied, he timely appealed.

We will assume for the sake of argument that the district court's interpretation of Webb's amended complaint as objections to the magistrate's report was sufficient to preserve some kind of error, although nothing in the document amounts to an objection. Consequently, we review the district court's determination for clear error on the facts and de novo on legal questions.

On appeal, Webb argues for the first time that the district court improperly applied *Heck*. Webb's arguments primarily involve factual questions about the existence of a conviction and adequacy of the record that could have been resolved had he raised them in district court. Because he failed to raise these arguments in the district court, we review them for plain error. And when the "claimed error is a question of fact, the possibility that such a finding could rise to the level of obvious error required to meet part of the standard for plain error is remote." *Robertson v. Plano City of Texas*, 70 F.3d 21, 23 (5th Cir. 1995). Moreover, contrary to his arguments here, his pleadings essentially admit that he was found guilty of traffic violations for which fines were imposed. Webb is not entitled to relief on these points.

In addition, because the officer had reasonable grounds to stop Webb for traffic violations and to arrest him for refusing to cooperate with law

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enforcement, the arrest and search incident to arrest were validly undertaken. No constitutional violation arose from these events irrespective of *Heck*.

Webb also appeals the denial of his motion to alter or amend the judgment. *See* FED. R. CIV. P. 59(e). Such decisions are reviewed for abuse of discretion. *Simon v. United States*, 891 F.2d 1154, 1159 (5th Cir. 1990). Webb argues that relief was warranted because his motion identified a manifest error, namely the district court’s “analysis treat[ing] [his] claims as barred by *Heck v. Humphrey* before a sufficiently clear record existed as to the underlying municipal matter.” We disagree. Motions to alter or amend a judgment “cannot be used to raise arguments which could, and should, have been made before the judgment issued.” *Id.* at 1159 (quoting *FDIC v. Meyer*, 781 F.2d 1260, 1268 (7th Cir. 1986)). The district court did not abuse its discretion in denying the motion.

The district court’s judgment is AFFIRMED.