

United States Court of Appeals
for the Fifth Circuit

No. 26-50364
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 27, 2026

Thomas B. Plunkett, III
Clerk

JOSEPH ANTHONY REYNA,

Plaintiff—Appellant,

versus

SOCIAL SECURITY ADMINISTRATION,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:25-CV-1293

Before KING, HIGGINSON, and DOUGLAS, *Circuit Judges*.

PER CURIAM:*

Joseph Anthony Reyna appeals the dismissal with prejudice of his petition to perpetuate testimony under Federal Rule of Civil Procedure 27(a) as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).¹ He argues that the district

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

¹ Between June 2025 and May 2026, Joseph Anthony Reyna filed at least twenty-four pro se lawsuits in Texas federal district courts. *Reyna v. Block, Inc.*, 2026 WL 1388721, 1 (5th Cir. May 18, 2026) (collecting cases).

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court erred in dismissing his complaint because it did not conduct de novo review, dismissed the complaint with prejudice, and did not address the complaint's Medicare premium-withholding injury. We review dismissals under 28 U.S.C. § 1915(e)(2)(B)(i) for abuse of discretion. *Denton v. Hernandez*, 504 U.S. 25, 33 (1992). We find no abuse here.

First, the record reflects that the district court conducted the required de novo review of the magistrate judge's report and recommendations.

Second, the dismissal was proper. Reyna's petition did not meet the rule's requirements. FED. R. CIV. P. 27(a). Among other criteria, the rule requires the petitioner to identify the relevant deponents and show that the petitioner expects to be a party "to an action cognizable in a United States court but cannot presently bring it or cause it to be brought[.]" *Id.* The district court correctly determined that Reyna did not identify any deponents in his petition and failed to show why he could not file a suit against the Social Security Administration as Rule 27(a) requires. *Id.* Because Reyna did not satisfy the Rule 27(a) requirements, the district court did not abuse its discretion by dismissing his petition. Nor did it abuse its discretion in dismissing the petition with prejudice. *See, e.g., Marts v. Hines*, 117 F.3d 1504, 1505 (5th Cir. 1997); *Reyna v. Wells Fargo Bank*, 2026 WL 1365083, 1 (5th Cir. May 15, 2026).

Finally, as to Reyna's asserted Medicare injury, Reyna did not raise that claim before the district court. We ordinarily do not review claims raised for the first time on appeal. *Vogel v. Veneman*, 276 F.3d 729, 733 (5th Cir. 2002). There is no basis for an exception in this case. *See FDIC v. Lee*, 130 F.3d 1139, 1141 (5th Cir. 1997).

We AFFIRM.