

United States Court of Appeals for the Fifth Circuit

No. 26-60275
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 24, 2026

Lyle W. Cayce
Clerk

JOSEPH BOURRAGE,

Plaintiff—Appellant,

versus

BILLIE SOLLIE, *Sheriff*; EVERETTE TREY FOX, III,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:24-CV-537

Before WILLETT, DUNCAN, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Joseph Bourrage, proceeding pro se, appeals the dismissal of his lawsuit. We AFFIRM.

I

Deputy Everette “Trey” Fox, III arrested Bourrage on July 12, 2019. During the arrest, Bourrage claims that Fox tackled him, touched his

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

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genitalia, and forced him into the K9 compartment of his patrol vehicle, causing several injuries. Five years later, in September 2024, Bourrage sued Fox under 42 U.S.C. § 1983, asserting that Fox violated the Fourth, Eighth, and Fourteenth Amendments during the arrest. He also sued then-Sheriff Billy Sollie for failing to train and supervise his officers properly. The district court granted Fox and Sollie’s motion for summary judgment, deeming Bourrage’s claims untimely and declining to toll the statute of limitations.

On appeal, Bourrage argues that the district court erred because a claim for malicious prosecution does not accrue until criminal proceedings terminate in the plaintiff’s favor. But Bourrage did not sue for malicious prosecution; he raises that claim for the first time on appeal. Because he has forfeited that claim, we will not consider it. *See Rollins v. Home Depot USA*, 8 F.4th 393, 398 (5th Cir. 2021) (“We do not ordinarily consider issues that are forfeited because they are raised for the first time on appeal.”).

Bourrage also asserts that Fox and Sollie spoliated evidence because there are no video, audio, or dispatch records of his arrest. Spoliation, however, played no role in the district court’s dismissal, which was premised on the untimeliness of Bourrage’s claims. His related argument that the district court should have allowed further discovery regarding municipal-liability assets is similarly unavailing. The statute of limitations, not factual insufficiency, warranted summary judgment. Bourrage makes no other argument that would warrant reversal, so we AFFIRM.

II

One more item merits mention—and admonition. In the district court and before our court, Bourrage has now filed at least three briefs containing fabricated or inaccurate citations. The district court noted that Bourrage cited a case that did not exist, speculated that he may have used AI to

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generate a court filing, and exhorted him to “ensure the veracity of his legal and factual arguments.”

In his opening brief before us, Bourrage cited *Humphries v. Mississippi Department of Transportation*, 346 So.3d 1131 (Miss. 2022) and *State v. Murphy*, 352 So.3d 1111 (Miss. 2023). As best we can tell, neither case exists. He also cited “Policy 6517X337” and a “Detail Loss Report,” but neither appears in the record. Those documents do exist online, but neither is relevant to this case.

In his reply brief, Bourrage purported to quote our decision in *Walker v. Epps*, 550 F.3d 407, 411 (5th Cir. 2008), but the quoted language does not appear in that opinion. He also cited “*Utterback v. United States*, 2025 U.S. App. LEXIS 1245, at *14 (5th Cir.).” There is no such Fifth Circuit decision.¹

Generative AI is a powerful tool and can improve legal work in meaningful ways. It can sharpen prose, clarify thinking, organize complicated material, and help litigants—especially pro se litigants—navigate an often-byzantine legal system. There is nothing inherently improper about litigants’ use of AI. The problem arises when litigants file material they have not checked. AI does not displace the duty of every filer, whether a lawyer or a pro se litigant, to ensure that factual assertions, quotations, and legal authorities are real and accurate. All litigants—including pro se litigants—“must verify the accuracy of” their filings, “mindful that citing authorities that are fabricated by AI may violate appellate Rules 32 and 38.” *Garces v. Hernandez*, No. 25-50342, 2025 WL 2401001, at *2 (5th Cir. Aug. 19, 2025) (unpublished). Bourrage has repeatedly failed to do so. His briefs contain

¹ The citation is real, but it is to a 2025 case from the Seventh Circuit, not a decision from our court. See *Fields v. Liberty Healthcare Corp.*, 2025 U.S. App. LEXIS 1245 (7th Cir. Jan. 21, 2025).

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numerous significant “hallucinations,” *Fletcher v. Experian Info. Sols., Inc.*, 168 F.4th 231, 233 (5th Cir. 2026), which “strongly suggest[] the use of generative artificial intelligence,” *Garces*, 2025 WL 2401001, at *2.

Bourrage has now submitted at least three inaccurate filings in this proceeding, even after warnings from both the district court and opposing counsel.² Accordingly, he is hereby WARNED that future filings which cite to nonexistent authorities “can and will result in sanctions by this Court, which may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings here and in any court subject to this Court’s jurisdiction.” *Id.*

² Appellees noted in their response brief that parts of Bourrage’s opening brief appeared “AI-generated.”