

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 13, 2022

Lyle W. Cayce
Clerk

No. 19-10890

DOMINIQUE ESPARZA,

Plaintiff—Appellant,

versus

ABE PARTINGTON; DUSTIN KOCH; CITY OF WAXAHACHIE,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:18-CV-1336

Before STEWART, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:*

Dominique Esparza, Texas prisoner # 02239621, has filed a motion for leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of his 42 U.S.C. § 1983 complaint.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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Esparza did not file a timely notice of appeal, *see* FED. R. APP. P. 4(a)(1)(A), and, on limited remand, the district court denied his construed motion to reopen the appeal period under Federal Rule of Appellate Procedure 4(a)(6). Esparza has abandoned any challenge to that denial by failing to brief it, despite having been given the opportunity to do so. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *see also Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Because Esparza did not file a timely notice of appeal and because the district court denied his Rule 4(a)(6) motion to reopen the time for filing an appeal, we lack jurisdiction over the instant appeal. *See Bowles v. Russell*, 551 U.S. 205, 214 (2007). Accordingly, the appeal is DISMISSED. Esparza's motion for leave to proceed IFP on appeal is DENIED.