United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit
FILED
March 10, 2026
Lyle W. Cayce
Clerk

No. 25-40791

David R. Pete,

Plaintiff—Appellant,

versus

Small Business Administration; Treasury Offset Division,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:25-CV-223

Before Jones, Duncan, and Douglas, *Circuit Judges*.

Per Curiam:[*]

In May 2025, David Pete sued the Small Business Administration (SBA) and the Treasury Department's Treasury Offset Program, alleging that they unlawfully executed a federal garnishment against his disability benefits in violation of various statutory protections and due process. The magistrate judge recommended sua sponte dismissal under Rule 12(h)(3)

[*] This opinion is not designated for publication. *See* 5th Cir. R. 47.5.

because (1) Pete failed to identify any waiver of federal sovereign immunity permitting suit against the SBA, and (2) the Treasury Offset Program—mislabeled as the Treasury Offset Division—is a government program, not a suable government entity. Pete objected. The district court agreed with the magistrate judge and therefore overruled Pete's objections, adopted the magistrate judge's recommendation, and dismissed the claims without prejudice for lack of subject-matter jurisdiction. Pete appeals.

Having reviewed the record and the briefing, we find no reversible error. AFFIRMED.