

United States Court of Appeals
for the Fifth Circuit

No. 26-50018
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2026

Lyle W. Cayce
Clerk

JOSEPH ANTHONY REYNA,

Plaintiff—Appellant,

versus

WELLS FARGO BANK, N.A.; WELLS FARGO & COMPANY,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:25-CV-1356

Before KING, HAYNES, and HO, *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). He argues the district court erred in dismissing his complaint because he alleged a plausible claim under 15 U.S.C. § 1681s-2(b), it did not give him an

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

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opportunity to amend his complaint, and an amendment would not have been futile.

Although pro se briefs are afforded liberal construction, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), even pro se litigants must brief arguments to preserve them, *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Reyna has not identified any error in the district court's reasons for dismissing his petition to perpetuate testimony under Rule 27(a), and, therefore, he has abandoned this issue on appeal. *See United States v. Whitfield*, 590 F.3d 325, 346 (5th Cir. 2009); *see also Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Nonetheless, the district court did not abuse its discretion in dismissing his petition with prejudice. *See In re Price*, 723 F.2d 1193, 1194 (5th Cir. 1984). Reyna did not have an absolute entitlement to conduct early discovery under Rule 27. *See In re Eisenberg*, 654 F.2d 1107, 1112 (5th Cir. 1981). The district court determined that Reyna failed to show why he could not presently file a suit against Wells Fargo as required by Rule 27(a). *See* FED. R. CIV. P. 27(a). Because Reyna did not explain why he could not presently file a lawsuit against Wells Fargo or show that the district court made any other error in dismissing his petition, the district court did not abuse its discretion by dismissing his petition with prejudice. *See Price*, 723 F.2d at 1194.

AFFIRMED.