

United States Court of Appeals  
for the Fifth Circuit

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No. 25-10913  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 3, 2026

Lyle W. Cayce  
Clerk

GORDON RAY LEWIS,

*Plaintiff—Appellant,*

*versus*

RYAN SINCLAIR, *Hood County District Attorney,*

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:25-CV-553

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Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

Gordon Ray Lewis, Texas prisoner # 01877921, filed a 42 U.S.C. § 1983 complaint alleging that District Attorney Ryan Sinclair had denied him access to evidence needed for additional DNA testing, thus depriving him of due process. The district court allowed Lewis to amend his complaint. However, even with the benefit of an amended complaint, the

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

No. 25-10913

district court determined that Lewis had not alleged sufficient facts to state a plausible claim that his due process rights had been violated. Thus, the district court dismissed the complaint pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b).

Our review is de novo. *See Black v. Warren*, 134 F.3d 732, 734 (5th Cir. 1998). Dismissal is appropriate where a complaint does not “contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). We agree with the district court that Lewis’s complaints contained only conclusory assertions that the denial of DNA testing violated his due process rights. Thus, Lewis has failed state a plausible claim for relief. *See Iqbal*, 556 U.S. at 678.

The judgment of the district court is AFFIRMED.

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**GORDON RAY LEWIS,**

Plaintiff,

v.

**No. 4:25-cv-0553-P**

**RYAN SINCLAIR,**

Defendant.

**ORDER OF DISMISSAL**

By order signed June 23, 2025, the Court gave Plaintiff, Gordon Ray Lewis, an opportunity to file an amended complaint to state a plausible claim. The Court explained the general pleading requirements and discussed specifically the facts of this case and why it appeared that Plaintiff could not state a plausible claim. ECF No. 8. Plaintiff has now filed his amended complaint and the Court concludes that the action must be dismissed. 28 U.S.C. §§ 1915(e)(2) and 1915A(b).

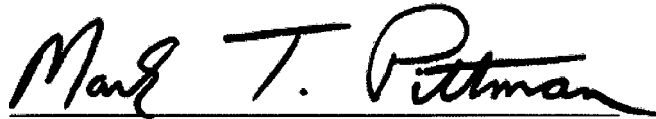
As the Court noted in its order to replead, Plaintiff, who was represented by counsel, followed the procedure set forth under Chapter 64 of the Texas Code of Criminal Procedure to seek forensic DNA testing. He was unsuccessful and his appeal was dismissed for want of jurisdiction because he failed to timely file it. *Lewis v. State*, No. 02-23-00185-CR, 2024 WL 1207301 (Tex. App.—Fort Worth Mar. 21, 2024).

Now, apparently seeking to blame someone else for his lack of success, Plaintiff simply alleges that the denial of DNA testing “violates Due Process.” ECF No. 9 at 3. In a cover letter, Plaintiff refers to *Reed v. Goertz*, 598 U.S. 230 (2023), and *Gutierrez v. Saenz*, 606 U.S. \_\_\_, 145 S. Ct. 2258 (2025). But Plaintiff does not allege any facts to support any allegation that his Due Process rights were violated in any respect. He does not even describe what DNA testing he sought or why he was entitled to testing. Merely citing cases is insufficient. *See Bell Atl. Corp.*

*v. Twombly*, 550 U.S. 544, 555 & n.3 (2007) (plaintiff must plead facts, not merely labels and conclusions).

Pursuant to the authority of 28 U.S.C. §§ 1915(e)(2) and 1915A(b), Plaintiff's claims are **DISMISSED**.

**SO ORDERED** on this 16th day of July 2025.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is written in a cursive style with a horizontal line underneath the name.

MARK T. PITTMAN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

GORDON RAY LEWIS,

Plaintiff,

v.

No. 4:25-cv-0553-P

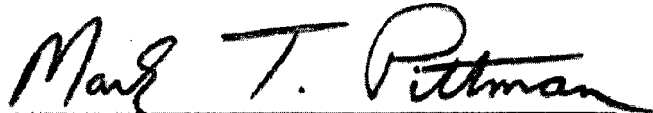
RYAN SINCLAIR,

Defendant.

**FINAL JUDGMENT**

Consistent with the order of dismissal signed this date, the claims of Plaintiff, Gordon Ray Lewis, are **DISMISSED**.

**SO ORDERED** on this 16th day of July 2025.

A handwritten signature in black ink that reads "Mark T. Pittman". The signature is written in a cursive style with a horizontal line underneath the name.

MARK T. PITTMAN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

GORDON RAY LEWIS,  
INSTITUTIONAL ID No. 01877921,

Plaintiff,

v.

No. 4:25-cv-0553-P

RYAN SINCLAIR,

Defendant.

**ORDER**

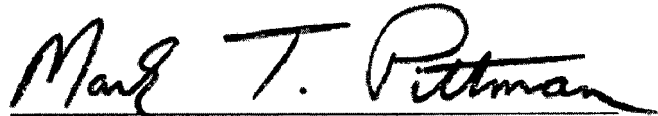
Plaintiff Gordon Ray Lewis, a state prisoner proceeding pro se, filed an amended application to proceed *in forma pauperis* (IFP) on appeal of the Court's July 16, 2025 judgment dismissing his civil-rights complaint. See ECF No. 16. After review, the Court **GRANTS** the motion and orders as follows:

1. Plaintiff will not be assessed an initial partial appellate filing fee because he lacks the requisite funds in his inmate trust account to pay an initial fee. However, Plaintiff will be required to pay the full \$605 appellate filing fee under the Prison Litigation Reform Act. See 28 U.S.C. § 1915(b)(1).
2. When adequate funds exist in Plaintiff's inmate trust account, the agency having custody of Plaintiff shall pay the \$605 appellate filing fee in monthly installments. The agency shall deduct 20% of the preceding month's income credited to Plaintiff's account and forward payment to the clerk of the district court. Monthly payments shall be made so long as the amount in Plaintiff's account exceeds \$10. Once the fee has been paid in full, such payments shall cease. *Id.* at § 1915(b)(2).
3. The clerk of Court shall mail a copy of this order to the inmate accounting office or other person(s) or entity with responsibility for collecting and remitting to the district court interim filing payments

on behalf of prisoners, as designated by the facility in which the prisoner is currently or subsequently confined.

Plaintiff's original IFP application is **DENIED** as moot. *See* ECF No. 13. The Court **DIRECTS** the clerk of Court to provide a copy of this order to the Fifth Circuit.

**SO ORDERED** on this 27th day of August 2025.

A handwritten signature in black ink, reading "Mark T. Pittman". The signature is written in a cursive style with a horizontal line underneath the name.

MARK T. PITTMAN  
UNITED STATES DISTRICT JUDGE