

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
TEXAS, TEXARKANA DIVISION

Aaron Gregory Lucas v. Director TDCJ-CID, et al.

Lucas · No. 5:25-CV-00070-RWS-JBB · Decided December 19, 2025

SUMMARY

The United States District Court for the Eastern District of Texas adopted a magistrate judge’s Report and Recommendation and dismissed Aaron Gregory Lucas’s 42 U.S.C. § 1983 action without prejudice. The dismissal was based on Plaintiff’s failure to pay the ordered initial partial filing fee or show good cause and failure to prosecute or obey a court order.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                           |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Texas, Texarkana Division                                                                                                                                                                                                                                                        |
| WRITING FOR THE COURT | Robert W. Schroeder III                                                                                                                                                                                                                                                                                                                   |
| JURISDICTION          | United States District Court for the Eastern District of Texas, Texarkana Division                                                                                                                                                                                                                                                        |
| DECIDED               | December 19, 2025                                                                                                                                                                                                                                                                                                                         |
| DOCKET                | 5:25-CV-00070-RWS-JBB                                                                                                                                                                                                                                                                                                                     |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                                                                 |
| PROCEDURAL POSTURE    | Pro se prisoner civil-rights action under 42 U.S.C. § 1983; after Plaintiff failed to pay an ordered initial partial filing fee or show good cause, the magistrate judge recommended dismissal without prejudice for failure to prosecute and obey a court order. The district court adopted the recommendation and dismissed the action. |
| STANDARD OF REVIEW    | When no objections are filed to a magistrate judge's Report and Recommendation, the district court reviews for clear error, abuse of discretion, and whether the recommendation is contrary to law; unobjected-to factual findings and legal conclusions are subject to appellate review only for plain error.                            |
| PRECEDENTIAL VALUE    | nonprecedential                                                                                                                                                                                                                                                                                                                           |
| PARTIES               | Aaron Gregory Lucas v. Director TDCJ-CID, et al.                                                                                                                                                                                                                                                                                          |

TOPICS

civil procedure

section 1983

prisoners rights

sanctions

## PRACTICE AREAS

civil procedure

prisoner civil rights

federal courts

## QUESTIONS PRESENTED

1. Whether the action should be dismissed without prejudice for failure to prosecute and failure to obey the court's order requiring payment of an initial partial filing fee or a showing of good cause.
2. What standard of review applies when no objections are filed to a magistrate judge's Report and Recommendation.

## HOLDINGS

1. The court adopted the magistrate judge's Report and Recommendation and dismissed the action without prejudice for Plaintiff's failure to prosecute and failure to obey the order requiring payment of the initial partial filing fee or a showing of good cause.
2. When no objections are filed to a magistrate judge's Report and Recommendation, the district court applies review for clear error, abuse of discretion, and whether the recommendation is contrary to law.
3. Because Plaintiff filed no objections, he was barred from de novo review and, except for plain error, from appellate review of the unobjected-to factual findings and legal conclusions adopted by the district court.

## KEY QUOTATIONS

*"where no objections to a magistrate judge's Report and Recommendation are filed, the standard of review is 'clearly erroneous, abuse of discretion and contrary to law'"* (Page 2)

## FACTUAL BACKGROUND

Plaintiff filed a pro se civil-rights action alleging constitutional-rights violations. The court ordered him to pay an initial partial filing fee of \$22.00 or show good cause for nonpayment. He failed to comply, did not object to the magistrate judge's recommendation of dismissal, and did not otherwise prosecute the action.

## PROCEDURAL HISTORY

The court ordered Plaintiff to pay an initial partial filing fee of \$22.00 within thirty days or show good cause under 28 U.S.C. § 1915(b). Plaintiff did neither, and the magistrate judge issued a Report and Recommendation recommending dismissal without prejudice. Plaintiff did not object, so the district court reviewed the recommendation, adopted it, dismissed the case without prejudice, and denied any pending motions.

## DISPOSITION

dismissed

## CASES CITED

- *Faciane v. Sun Life Assurance Co. of Can.*, 931 F.3d 412, 420-21 & n.9 (5th Cir. 2019)
- *Duarte v. City of Lewisville, Tex.*, 858 F.3d 348, 352 (5th Cir. 2017)
- *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989)

## OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION § AARON GREGORY LUCAS, § § Plaintiff, § § CASE NO. 5:25-  
CV-00070-RWS-JBB v. § § DIRECTOR TDCJ-CID, et al., § § Defendants. § § ORDER Pro se  
Plaintiff Aaron Gregory Lucas filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining  
of alleged deprivations of his constitutional rights.

The lawsuit was referred to United States Magistrate Judge J. Boone Baxter. On September 5, 2025, Plaintiff was ordered to pay, within thirty days of receipt of the order, an initial partial filing fee of \$22.00 or show good cause why he could not do so, in accordance with 28 U.S.C. § 1915(b). Docket No. 5. Plaintiff failed to comply with the order.

Therefore, on November 5, 2025, the magistrate judge issued a Report and Recommendation, recommending that the lawsuit be dismissed without prejudice for failure to prosecute and to obey a court order. Docket No. 8. A copy of this Report and Recommendation was sent to Plaintiff at his last known address, but Plaintiff did not file any objections.

The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Co. of Can.*, 931 F.3d 412, 420–21 and n.9 (5th Cir. 2019).

Because no objections have been filed, Plaintiff is barred from de novo review of the findings, conclusions, and recommendations of the magistrate judge and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Tex.*, 858 F.3d 348, 352 (Sth Cir.

2017). The Court has reviewed the pleadings and the Report and Recommendation of the magistrate judge. After review, the Court concludes that the Report and Recommendation 1s correct. See *United States v. Wilson*, 864 F.2d 1219, 1221 (Sth Cir.), cert. denied, 492 U.S. 918 (1989) (where no objections to a magistrate judge’s Report and Recommendation are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law”).

Accordingly, it 1s ORDERED that the Report and Recommendation (Docket No. 8) is ADOPTED as the opinion of the District Court. It is further ORDERED that the above-styled case is DISMISSED WITHOUT PREJUDICE for failure to prosecute and to obey a court order. It is

further ORDERED that all motions which may be pending in this civil action are hereby DENIED.  
So ORDERED and SIGNED this 19th day of December, 2025.

[Doherty LU Lbrpertsr C2. ROBERT W. SCHROEDER III UNITED STATES DISTRICT JUDGE  
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