

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

Shereef Kamel v. Prosper-Parkside Homeowners Association, Inc., et
al.

Kamel · No. 4:25-cv-221-JDK-KNM · Decided February 27, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopts a magistrate judge’s report and recommendation concerning Defendant Vinay Patel’s motion to dismiss. The court grants the motion in part and dismisses Plaintiff Shereef Kamel’s claims against Patel with prejudice, including state-law claims under the attorney-immunity doctrine and federal claims for failure to state a claim.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	February 27, 2026
DOCKET	4:25-cv-221-JDK-KNM
DISPOSITION	other
PROCEDURAL POSTURE	Order adopting the magistrate judge's report and recommendation and granting in part Defendant Vinay Patel's motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6).
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's report and recommendation, the district court reviews factual findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated in the opinion.
PARTIES	Shereef Kamel v. Vinay Patel, Prosper-Parkside Homeowners Association, Inc., Other named defendants

TOPICS

motions to dismiss

civil procedure

subject matter jurisdiction

real estate

PRACTICE AREAS

civil procedure

federal civil rights

real estate and homeowners associations

QUESTIONS PRESENTED

1. What standard of review applies when no party objects to a magistrate judge's report and recommendation?
2. Whether the magistrate judge's recommendation to dismiss Plaintiff's claims against Defendant Vinay Patel with prejudice contained clear error, constituted an abuse of discretion, or was contrary to law.
3. Whether Defendant Patel's motion to dismiss should be granted in part and Plaintiff's claims against him dismissed with prejudice.

HOLDINGS

1. When no objections are filed, the district court reviews the magistrate judge's findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law.
2. The district court found no clear error or abuse of discretion and no legal conclusion contrary to law, and adopted the magistrate judge's report and recommendation as the opinion of the court.
3. Defendant Vinay Patel's motion to dismiss was granted in part, and Plaintiff's claims against Patel were dismissed with prejudice; the adopted recommendation specified dismissal of the state-law claims under the attorney-immunity doctrine and dismissal of the federal claims for failure to state a claim under Rule 12(b)(6).

KEY QUOTATIONS

“The Court therefore reviews the Magistrate Judge’s findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law.”

“Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 98) as the opinion of this Court.”

FACTUAL BACKGROUND

Plaintiff Shereef Kamel asserted federal and state-law claims against Defendant Vinay Patel and other defendants. Patel moved to dismiss under Rules 12(b)(1) and 12(b)(6). The magistrate judge recommended dismissal with prejudice of the state-law claims against Patel under the attorney-immunity doctrine and dismissal with prejudice of the federal claims for failure to state a claim.

PROCEDURAL HISTORY

The action was referred to Magistrate Judge K. Nicole Mitchell under 28 U.S.C. § 636. The magistrate judge recommended dismissal with prejudice of Plaintiff's state-law claims against Defendant Patel under the attorney-immunity doctrine and dismissal with prejudice of Plaintiff's federal claims for failure to state a claim. No

objections were filed within the applicable period, and the district court adopted the report and recommendation, granting Patel's motion in part and dismissing Plaintiff's claims against him with prejudice.

DISPOSITION

other

CASES CITED

- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

Kamel

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

SHERMAN DIVISION

SHEREEF KAMEL, §

§ Plaintiff, § § v. § Case No. 4:25-cv-221-JDK-KNM §

PROSPER-PARKSIDE §

HOMEOWNERS ASSOCIATION §

INC., et al., § § Defendants. §

ORDER ADOPTING REPORT AND RECOMMENDATION

OF UNITED STATES MAGISTRATE JUDGE

Before the Court is Defendant Vinay Patel's motion to dismiss under Rule 12(b)(1) and Rule 12(b)(6). Docket No. 17. This case was referred to United States Magistrate Judge K. Nicole Mitchell in accordance with 28 U.S.C. § 636. On February 11, 2026, Judge Mitchell issued a Report and Recommendation recommending that the motion to dismiss be granted in part. Docket No. 98. Judge Mitchell recommended that Plaintiff's state law claims against Defendant be dismissed with prejudice pursuant to the attorney-immunity doctrine. *Id.* Judge Mitchell further recommended that Plaintiff's federal claims be dismissed with prejudice for failure to state a claim under Rule 12(b)(6). *Id.* The Report did not reach Defendant's arguments that (1) the Court should decline to exercise supplemental jurisdiction over Plaintiff's state law claims, and (2) Plaintiff's complaint fails to properly state any of his claims arising under Texas law. *Id.* at 14. No written objections have been filed, and the time for filing objections has passed. This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Having reviewed the Magistrate Judge's Report and Recommendations, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 98) as the opinion of this Court. Defendant's motion to dismiss (Docket No. 17) is GRANTED in part, and Plaintiff's claims against Defendant Vinay Patel are DISMISSED with prejudice. So ORDERED and SIGNED this 27th day of February, 2026. C5, LHe
UNITED STATES DISTRICT JUDGE