

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PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated in the opinion.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)

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