

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, EASTERN DIVISION

Nicolas Bolanos v. Burl Cain

Bolanos v. Cain · No. 2:25-cv-53-TBM-ASH · Decided March 3, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted a magistrate judge’s Report and Recommendation recommending dismissal of Nicolas Bolanos’s habeas corpus petition. The court granted Burl Cain’s motion to dismiss and dismissed the petition with prejudice after finding no clear error in the recommendation and noting that Bolanos filed no objection.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Eastern Division
WRITING FOR THE COURT	Taylor B. McNeel
JURISDICTION	United States District Court for the Southern District of Mississippi, Eastern Division
DECIDED	March 3, 2026
DOCKET	2:25-cv-53-TBM-ASH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Respondent moved to dismiss a petition for a writ of habeas corpus. A magistrate judge recommended granting the motion and dismissing the petition with prejudice. The district court adopted the Report and Recommendation and entered dismissal with prejudice after no timely objection was filed.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's Report and Recommendation, the district court need only determine whether the recommendation contains clear error on the face of the record; the court also reviewed the recommendation for whether it was contrary to law.
PRECEDENTIAL VALUE	Unpublished district court order adopting a Report and Recommendation; limited precedential value.
PARTIES	Nicolas Bolanos v. Burl Cain

TOPICS

federal habeas corpus

motions to dismiss

post-conviction relief

civil procedure

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the district court should review and adopt the magistrate judge's Report and Recommendation in the absence of a timely objection.
2. Whether the respondent's motion to dismiss should be granted and the habeas petition dismissed with prejudice.

HOLDINGS

1. When no timely objection is filed, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
2. The magistrate judge's Report and Recommendation was adopted, the respondent's motion to dismiss was granted, and the habeas petition was dismissed with prejudice.

KEY QUOTATIONS

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

“IT IS FURTHER ORDERED AND ADJUDGED that Nicolas Bolanos’ Petition for Writ of Habeas Corpus [1] is DISMISSED WITH PREJUDICE.”

FACTUAL BACKGROUND

The opinion concerns a habeas corpus petition filed by Nicolas Bolanos against Burl Cain. The respondent moved to dismiss, and the magistrate judge recommended dismissal with prejudice. Bolanos did not file an objection after the Report and Recommendation was mailed to him, and the objection period expired.

PROCEDURAL HISTORY

United States Magistrate Judge Andrew S. Harris issued a Report and Recommendation on December 30, 2025, recommending that Burl Cain's motion to dismiss be granted and Nicolas Bolanos's habeas petition be dismissed with prejudice. Bolanos did not object within the applicable time. The district court reviewed the recommendation for clear error and found it neither clearly erroneous nor contrary to law, adopted it, granted the motion to dismiss, and dismissed the petition with prejudice.

DISPOSITION

dismissed

CASES CITED

- Casas v. Aduddell, 404 F. App'x 879, 881 (5th Cir. 2010)
- Douglass v. United Serv. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)

OPINION

Nicolas Bolanos v. Burl Cain

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

EASTERN DIVISION

NICOLAS BOLANOS PETITIONER

v. CIVIL ACTION NO. 2:25-cv-53-TBM-ASH

BURL CAIN RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [12] entered by United States Magistrate Judge Andrew S. Harris on December 30, 2025. Judge Harris recommends that Burl Cain's Motion to Dismiss [11] be granted and that Nicolas Bolanos' Petition for Writ of Habeas Corpus [1] be dismissed with prejudice. A copy of the Report and Recommendation [12] was mailed to Bolanos at the address listed on the docket on December 30, 2025. Bolanos has not filed an objection to the Report and Recommendation, and the time for filing an objection has expired. "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); see Casas v. Aduddell, 404 F. App'x 879, 881 (5th Cir. 2010) ("When a party fails timely to file written objections to the magistrate judge's proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error") (citing Douglass v. United Serv. Auto Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Harris' Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law. IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [12] entered by United States Magistrate Judge Andrew S. Harris on December 30, 2025, is ADOPTED as the opinion of the Court. IT IS FURTHER ORDERED AND ADJUDGED that Respondent Burl Cain's Motion to Dismiss [11] is GRANTED. IT IS FURTHER ORDERED AND ADJUDGED that Nicolas Bolanos' Petition for Writ of Habeas Corpus [1] is DISMISSED WITH PREJUDICE. THIS, the 3rd day of March, 2026.

TAYLOR B. McNEEL

UNITED STATES DISTRICT JUDGE

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