

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, SAN ANTONIO DIVISION

Jason Contreras v. CPS Energy

Contreras · No. SA-25-CV-775-FB · Decided January 8, 2026

SUMMARY

The United States District Court for the Western District of Texas accepts a magistrate judge’s report and recommendation concerning Plaintiff Jason Contreras’s motion for temporary injunctive relief. The court denies the motion for a preliminary injunction because Plaintiff did not demonstrate a substantial likelihood of success on the merits or a substantial threat of irreparable injury, and no objections were filed.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, San Antonio Division
WRITING FOR THE COURT	Fred Biery
JURISDICTION	United States District Court for the Western District of Texas, San Antonio Division
DECIDED	January 8, 2026
DOCKET	SA-25-CV-775-FB
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending denial of Plaintiff's pro se motion for temporary injunctive relief, construed as a motion for preliminary injunction. No objections were filed, and the district court accepted the recommendation and denied the motion.
STANDARD OF REVIEW	When no objection is made to a magistrate judge's report and recommendation, the district court need not conduct de novo review and may review the recommendation for clear error and whether it is contrary to law.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	Jason Contreras v. CPS Energy

TOPICS

injunctions

equitable relief

civil procedure

remedies

PRACTICE AREAS

civil procedure

injunctive relief

QUESTIONS PRESENTED

1. Whether the district court should accept the magistrate judge's report and recommendation when no objections were filed.
2. Whether Plaintiff's motion for temporary injunctive relief, construed as a motion for preliminary injunction, should be denied for failure to establish a substantial likelihood of success on the merits and a substantial threat of irreparable injury.

HOLDINGS

1. Because no objections were filed to the report and recommendation, the district court was not required to conduct de novo review and could review the recommendation for clear error and whether it was contrary to law.
2. Plaintiff's motion for temporary injunctive relief, construed as a motion for preliminary injunction, was denied because Plaintiff failed to establish a substantial likelihood of success on the merits and a substantial threat of irreparable injury.

KEY QUOTATIONS

"Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review." (order accepting report and recommendation)

"The Recommendation shall therefore be accepted pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Temporary Injunctive Relief (docket #13) shall be DENIED." (order accepting report and recommendation)

FACTUAL BACKGROUND

Plaintiff Jason Contreras sought temporary injunctive relief, which the magistrate judge construed as a motion for preliminary injunction. The report and recommendation concluded that Plaintiff failed to show either a substantial likelihood of success on the merits or a substantial threat of irreparable injury. The recommendation was mailed to Plaintiff, but the mailing was returned unclaimed, and no objections or address-change notification were filed.

PROCEDURAL HISTORY

Magistrate Judge Henry J. Bemporad issued a report and recommendation on September 11, 2025, recommending denial of Plaintiff's motion for temporary injunctive relief because Plaintiff failed to satisfy the first two preliminary-injunction requirements. The recommendation was mailed to Plaintiff but returned unclaimed, and Plaintiff filed no objections or change-of-address notification. The district court therefore reviewed the report for clear error and conformity with law, accepted it, and denied the motion.

DISPOSITION

other

CASES CITED

- Heverling v. McNeil Consumer Pharmaceuticals, Co., Civil Action No. 1:17-CV-1433, 2018 WL 1293304 at *2 n.3 (M.D.
- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989)

OPINION

Contreras

PER CURIAM.

FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

JASON CONTRERAS, §

§ Plaintiff, § §

VS. § CIVIL ACTION NO. SA-25-CV-775-FB

§

CPS ENERGY, §

§ Defendant. §

ORDER ACCEPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

The Court has considered the Report and Recommendation of United States Magistrate Judge filed in the above-captioned cause on September 11, 2025 (docket #14). On September 11, 2025, the Report and Recommendation was sent by certified mail, return receipt requested to Plaintiff (docket #15), and on October 6, 2025, the certified mail addressed to Plaintiff Jason Contreras containing the Report and Recommendation of United States Magistrate Judge was returned by the United States Postal Service with the notation “return to sender; unclaimed; unable to forward.” (Docket #16). To date, no objections or response to the Report have been filed.¹ The Court has reviewed the electronic docket sheet in this case and does not find a change of address notification filed by the Plaintiff. In the Report, United States Magistrate Judge Henry J. Bemporad recommends that Plaintiff’s Pro Se Motion for Temporary Injunctive Relief (docket #13), construed as a motion for preliminary injunction, should be denied because Plaintiff failed to meet either of the first two 1 Any party who desires to object to a Magistrate's findings and recommendations must serve and file his, her or its written objections within fourteen days after being served with a copy of the findings and recommendation. 28 U.S.C. § 635(b)(1). If service upon a party is made by mailing a copy to the party's last known address, “service is complete upon mailing .” FED. R. CIV. P. 5(b)(2)(C). If service is made by electronic means, “service is

complete upon transmission.” Id. at (E). When the mode of service is by electronic means, three days are no longer added to the time period to act after being served. See *Heverling v. McNeil Consumer Pharmaceuticals, Co.*, Civil Action No. 1:17-CV-1433, 2018 WL 1293304 at *2 n.3 (M.D. requirements needed to obtain a preliminary injunction—(1) a substantial likelihood of success on the merits and (2) a substantial threat that the movant will suffer irreparable injury if the injunction is denied. Report, docket #14 at pages 1-2. The Court agrees. Because no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review. See 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). The Court has reviewed the Report and finds its reasoning to be neither clearly erroneous nor contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (Sth Cir.), cert. denied, 492 U.S. 918 (1989). The Recommendation shall therefore be accepted pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Temporary Injunctive Relief (docket #13) shall be DENIED. Accordingly, it is hereby ORDERED that the Report and Recommendation of United States Magistrate Judge filed in this cause on September 11, 2025 (docket #14), is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Plaintiff's Motion for Temporary Injunctive Relief (docket #13) is DENIED. It is so ORDERED. SIGNED this 8th day of January, 2026. < jen CO ae FRED BI

UNITED STATES DISTRICT JUDGE