

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

Jose Francisco Gonzalez v. Burl Cain

Gonzalez v. Cain · No. 1:25-cv-224-LG-ASH · Decided March 17, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi adopted the magistrate judge’s Report and Recommendation, overruled Jose Francisco Gonzalez’s objection, and dismissed his 28 U.S.C. § 2254 habeas petition with prejudice. The court concluded that Gonzalez had not specifically objected to the Report and Recommendation and that his new issues were not properly before the district judge.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Southern Division
WRITING FOR THE COURT	Louis Guirola, Jr.
JURISDICTION	United States District Court for the Southern District of Mississippi, Southern Division
DECIDED	March 17, 2026
DOCKET	1:25-cv-224-LG-ASH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner objected to a magistrate judge's report and recommendation recommending dismissal of his 28 U.S.C. § 2254 habeas petition. The district court conducted de novo review, overruled the objections, adopted the report and recommendation, and dismissed the petition with prejudice.
STANDARD OF REVIEW	The district court conducts de novo review of those portions of a magistrate judge's report and recommendation to which a specific objection is made. Frivolous, conclusive, or general objections need not be considered, and issues raised for the first time in objections are not properly before the district court.
PRECEDENTIAL VALUE	Unpublished district court order; limited persuasive value.
PARTIES	Jose Francisco Gonzalez v. Burl Cain

TOPICS

federal habeas corpus

post-conviction relief

motions to dismiss

civil procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should consider new issues raised for the first time in objections to a magistrate judge's report and recommendation.
2. Whether Gonzalez's general objections required de novo review of unspecified portions of the report and recommendation.
3. Whether the magistrate judge's recommendation to dismiss Gonzalez's 28 U.S.C. § 2254 habeas petition should be adopted.

HOLDINGS

1. Issues raised for the first time in objections to a magistrate judge's report and recommendation are not properly before the district judge.
2. A party objecting to a magistrate judge's report and recommendation must specifically identify the findings or recommendations objected to; frivolous, conclusive, or general objections need not be considered.
3. The report and recommendation was adopted, the objections were overruled, and Gonzalez's petition for a writ of habeas corpus was dismissed with prejudice.

KEY QUOTATIONS

“Parties filing objections must specifically identify those findings objected to.”

“Frivolous, conclusive or general objections need not be considered by the district court.”

“Issues raised for the first time in objections to the report of a magistrate judge are not properly before the district judge.”

“IT IS FURTHER ORDERED AND ADJUGED that Petitioner Gonzalez’s [1] Petition for Writ of Habeas Corpus be DISMISSED with prejudice.”

FACTUAL BACKGROUND

Gonzalez sought federal habeas relief under 28 U.S.C. § 2254. The magistrate judge recommended dismissal, concluding that the petition was subject to dismissal, and Gonzalez objected. His objections largely raised new issues relating to proceedings in the Greene County Circuit Court rather than specifically challenging findings or recommendations in the report.

PROCEDURAL HISTORY

The magistrate judge recommended granting Respondent's motion to dismiss. Gonzalez filed objections, but most raised new issues concerning his filings in the Greene County Circuit Court and did not specifically identify objections to portions of the report and recommendation. The district court conducted de novo review of the record, adopted the report and recommendation, overruled the objections, and dismissed the habeas petition with prejudice.

DISPOSITION

dismissed

CASES CITED

- Battle v. Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987)
- Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996)
- United States v. Raddatz, 447 U.S. 667, 675 (1980)
- Hernandez v. Livingston, 495 F. App'x 414, 416 (5th Cir. 2012) (per curiam)
- Koetting v. Thompson, 995 F.2d 37, 40 (5th Cir. 1993)
- Finley v. Johnson, 243 F.3d 215, 219 n.3 (5th Cir. 2001)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI SOUTHERN DIVISION JOSE FRANCISCO GONZALEZ PETITIONER v. CAUSE NO. 1:25-cv-224-LG-ASH BURL CAIN RESPONDENT ORDER ADOPTING [10] REPORT AND RECOMMENDATION The magistrate judge assigned to this habeas matter recommends granting the [9] Motion to Dismiss filed by Respondent Burl Cain.

The Court finds that the [10] Report and Recommendation should be adopted, and Gonzalez's [11] Objection should be overruled. "Parties filing objections must specifically identify those findings objected to." Battle v. Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (citation modified), overruled on other grounds by Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415 (5th Cir.

1996). If a party objects to a report and recommendation, then the Court is required "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); see also Fed. R. Civ. P. 72(b)(3); United States v. Raddatz, 447 U.S. 667, 675 (1980). "Frivolous, conclusive or general objections need not be considered by the district court." Battle, 834 F.2d at 421 (citation omitted).

A district court need not "reiterate the findings of the magistrate judge" in its determination. Hernandez v. Livingston, 495 F. App'x 414, 416 (5th Cir. 2012) (per curiam) (citing Koetting v. Thompson, 995 F.2d 37, 40 (5th Cir. 1993)). "Issues raised for the first time in objections to the report of a magistrate judge are not properly before the district judge." Finley v. Johnson, 243 F.3d 215, 219 n.3 (5th Cir.

2001) (citation modified). Most of Gonzalez's objections focus on raising new issues relating to his filings in the Greene County Circuit Court, and such issues are "not properly before the district judge." See *Finley*, 243 F.3d at 219 n.3 (citation omitted). He does not specifically object to portions of the [10] Report and Recommendation. Gonzalez seeks relief under 28 U.S.C. § 2254, so he must exhaust his state court remedies.

See 28 U.S.C. § 2254(b)(1)(A). The magistrate judge thoroughly considered Gonzalez's arguments in the Report and Recommendation, and so the Court need not reiterate his findings. See *Hernandez*, 495 F. App'x at 416 (citing *Koetting*, 995 F.2d at 40).

The Court, having conducted a de novo review of the record, finds that the [10] Report and Recommendation is well-reasoned and that the magistrate judge appropriately applied the law to the facts in this case. *Raddatz*, 447 U.S. at 675. IT IS THEREFORE ORDERED AND ADJUDGED that the [10] Report and Recommendation entered by the United States Magistrate Judge on January 7, 2026, is ADOPTED as the opinion of the Court.

Petitioner Gonzalez's [11] Objection is OVERRULED. IT IS FURTHER ORDERED AND ADJUGED that Petitioner Gonzalez's [1] Petition for Writ of Habeas Corpus be DISMISSED with prejudice. SO ORDERED AND ADJUDGED this the 17th day of March, 2026. Louis Guirola, Jr.
s/ LOUIS GUIROLA, JR. UNITED STATES DISTRICT JUDGE