

**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.

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