

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS

Darryl Glenn Davis v. Director, TDCJ-CID

Davis · No. 6:24-cv-00159 · Decided January 27, 2026

SUMMARY

The United States District Court for the Eastern District of Texas overruled Darryl Glenn Davis’s objections to a magistrate judge’s report and recommendation concerning his habeas petition challenging an aggravated-assault conviction. The court accepted the report, denied the petition with prejudice, denied a certificate of appealability, and denied pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas
WRITING FOR THE COURT	J. Campbell Barker
JURISDICTION	United States District Court for the Eastern District of Texas
DECIDED	January 27, 2026
DOCKET	6:24-cv-00159
DISPOSITION	dismissed
PROCEDURAL POSTURE	Federal habeas corpus proceeding under 28 U.S.C. § 2254 challenging a Texas aggravated-assault conviction. After a magistrate judge recommended denial on the merits, petitioner filed objections, which the district court overruled.
STANDARD OF REVIEW	The court reviewed the objected-to portions of the magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b)(3). Improper, conclusory, general, or untimely objections were subject only to clear-error review, and arguments not presented to the magistrate judge were not considered absent a compelling reason.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation.
PARTIES	Darryl Glenn Davis v. Director, TDCJ-CID

TOPICS

federal habeas corpus

state post-conviction relief

post-conviction relief

ineffective assistance

criminal procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Criminal procedure

QUESTIONS PRESENTED

1. Whether petitioner's objections to the magistrate judge's report and recommendation warranted de novo review or relief.
2. Whether arguments and facts raised for the first time in objections to the magistrate judge's report should be considered absent a compelling reason.
3. Whether the habeas petition should be denied and the action dismissed with prejudice.

HOLDINGS

1. Objections to a magistrate judge's report and recommendation must specifically identify the findings being challenged; frivolous, conclusive, or general objections need not be considered.
2. A party's entitlement to de novo review does not permit the party to raise arguments not presented to the magistrate judge without a compelling reason.
3. Petitioner failed to establish any error warranting habeas relief, and the petition was denied.

KEY QUOTATIONS

“However, the “objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court.”” (at 1)

“Petitioner’s habeas petition is denied and this action is dismissed with prejudice.” (at 2)

FACTUAL BACKGROUND

Darryl Glenn Davis, an inmate in the Texas Department of Criminal Justice, challenged his state conviction for aggravated assault through a federal habeas petition. His claims concerned ineffective assistance of counsel, improperly admitted evidence, excessive punishment, and prosecutorial misconduct. He also raised additional arguments and facts for the first time in his objections.

PROCEDURAL HISTORY

Petitioner filed a habeas petition challenging his state conviction. The matter was referred to a magistrate judge, who issued a report recommending denial on the merits. Petitioner objected, but most objections repeated conclusory claims previously presented, while others raised new arguments and facts. The district court conducted de novo review of the proper objections, accepted the report and recommendation, denied the petition, dismissed the action with prejudice, denied a certificate of appealability, and denied pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Vettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982) (en banc)
- Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996) (en banc)
- Cupit v. Whitley, 28 F.3d 532, 535 & n.5 (5th Cir. 1994)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TEXAS No. 6:24-cv-00159 Darryl] Glenn Davis, Petitioner, V. Director, TDCJ-CID, Respondent. ORDER Petitioner, an inmate of the Texas Department of Criminal Justice proceeding pro se, brought this action to challenge his state conviction for aggravated assault. Doc. 1.

The case was re-ferred to a magistrate judge, who issued a report recommending that the petition be denied on the merits. Doc. 18 at 22. Petitioner filed written objections. Doc. 21. The court reviews the objected-to portions of a magistrate judge’s report and recommendation de novo. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3).

However, the “objections must specifically identify those findings objected to. Frivolous, conclusive or general objections need not be considered by the district court.” Vettles ». Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. Unit B 1982) (en banc), overruled on other grounds by Douglass vy. United Servs. Auto. Ass’n, 79 F.3d 1415 (5th Cir. 1996) (en banc).

Furthermore, a party’s entitlement to de novo review does not en- title it to raise arguments that were not presented to the magis- trate judge without a compelling reason. See Cupit v. Whitley, 28 F.3d 532, 535 & n.5 (5th Cir. 1994). When there have been no timely objections to a report, or the objections are improper, “the court need only satisfy itself that there is no clear error on the face of the record.” Fed.

R. Civ. P. 72(b), advisory committee’s notes to 1983 amendment. For the most part, petitioner’s objections merely reiterate the same conclusory assertions from his petition regarding ineffective - l- assistance of counsel, improperly admitted evidence, excessive punishment, and prosecutorial misconduct.

The magistrate judge thoroughly addressed these arguments and the court finds no er- ror in that analysis. Petitioner’s objections also raise new argu- ments and facts not present in the original petition or in the reply to the government’s response. Docs. 1, 17.

However, as explained above, the court need not consider these arguments as they were not raised before the magistrate judge. Even if the court were to consider such arguments, petitioner has not established any error warranting relief.

Having reviewed the magistrate judge's report de novo and being satisfied that it contains no error, the court overrules petitioner's objections and accepts the report's findings and recommendations. Petitioner's habeas petition is denied and this action is dismissed with prejudice.

The court also sua sponte denies a certificate of appealability. Any pending motions are denied as moot. So ordered by the court on January 27, 2026. onbok., ☐☐ MPBELL BARKER United States District Judge -2-