

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, SHERMAN DIVISION

Calvin Jackson v. DX2 Group LLC, et al.

Jackson v. DX2 Group LLC · No. 4:25-cv-689-JDK · Decided November 21, 2025

SUMMARY

The United States District Court for the Eastern District of Texas overruled Plaintiff Calvin Jackson’s objections and adopted the magistrate judge’s recommendation. The court dismissed his Title VII claims without prejudice for failure to exhaust administrative remedies, concluding that the complaint was filed more than 90 days after receipt of the EEOC right-to-sue notice and that equitable tolling was unwarranted.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Sherman Division
WRITING FOR THE COURT	Jeremy D. Kernodle
JURISDICTION	United States District Court for the Eastern District of Texas, Sherman Division
DECIDED	November 21, 2025
DOCKET	4:25-cv-689-JDK
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed the plaintiff's timely objections de novo, overruled the objections, adopted the magistrate judge's report and recommendation, and dismissed the Title VII claims without prejudice.
STANDARD OF REVIEW	De novo review of the objected-to findings and conclusions of the magistrate judge under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive rather than precedential value.
PARTIES	Calvin Jackson v. DX2 Group LLC, MMX All Ventures, Inc., Tri State Dealer Services

TOPICS

- title vii
- employment discrimination
- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

employment law

civil rights

Title VII

QUESTIONS PRESENTED

1. Whether Jackson's Title VII complaint was timely when it was received by the court 102 days after he received the EEOC notice of right to sue.
2. Whether mailing the complaint before expiration of the ninety-day period constitutes filing for purposes of Title VII.
3. Whether circumstances outside Jackson's control or equitable tolling excused the untimely filing.
4. Whether the magistrate judge's report and recommendation should be adopted after de novo review.

HOLDINGS

1. The complaint was untimely because it was filed 102 days after Jackson received the EEOC notice of right to sue, exceeding Title VII's ninety-day filing period.
2. Mailing a complaint does not constitute filing for purposes of Title VII; the complaint is filed when received by the court.
3. The asserted mailing delays did not excuse the untimely filing, and equitable tolling was unavailable because Jackson alleged no factual basis for it.
4. After de novo review, the district court adopted the report and recommendation, overruled Jackson's objection, and dismissed the claims without prejudice for failure to exhaust.

KEY QUOTATIONS

"The civil complaint is considered filed when it is received by the Court, not when it is placed in the mail."
(Order text)

"Plaintiff's claims are DISMISSED without prejudice for failure to exhaust." (Order text)

FACTUAL BACKGROUND

Jackson asserted Title VII claims and alleged that he received an EEOC notice of right to sue on March 20, 2025. He filed his complaint with the court on June 30, 2025, 102 days after receiving the notice, although he stated that he mailed copies on June 16 and June 20. He did not dispute the receipt date and alleged no factual basis for equitable tolling.

PROCEDURAL HISTORY

Jackson filed suit on June 30, 2025. The case was referred to Magistrate Judge John D. Love, who recommended dismissal without prejudice for failure to exhaust administrative remedies and failure to comply with a court order. Jackson objected and filed a second amended complaint; the district court conducted de novo review and adopted the recommendation.

DISPOSITION

dismissed

CASES CITED

- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- *Taylor v. Books A Million, Inc.*, 296 F.3d 376, 378-79 (5th Cir. 2002)
- *Ringgold v. Nat'l Maint. Corp.*, 796 F.2d 769, 770 (5th Cir. 1986)
- *Butler v. Orleans Parish Sch. Bd.*, No. Civ. A. 00-0845, 2001 WL 1135616 (E.D. La. Sept. 25, 2001)
- *Taylor v. Gen. Tel. Co. of Sw.*, 759 F.2d 437, 440 (5th Cir. 1985)
- *Hernandez v. Aldridge*, 902 F.2d 386, 388 (5th Cir. 1990)

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