

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Nestor-Daniel D’Oliveira v. Judge Charles Eskridge, State of Texas,
and Justice of the Peace, Precinct 1

D’Oliveira · No. 4:25-cv-02327 · Decided January 8, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopts a magistrate judge’s recommendation and denies the plaintiff’s motion for reconsideration. The court strikes and overrules the plaintiff’s untimely objections, concluding that they do not establish a basis for subject-matter jurisdiction over his challenge to state misdemeanor traffic judgments.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Charles Eskridge
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	January 8, 2026
DOCKET	4:25-cv-02327
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for reconsideration of an order dismissing his claims without prejudice for lack of subject-matter jurisdiction. The district court reviewed the magistrate judge’s second Memorandum and Recommendation, struck and overruled Plaintiff’s untimely objections, adopted the recommendation, and denied reconsideration.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge’s recommended disposition to which a party specifically objects, and may review unobjected-to portions for clear error.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	Nestor-Daniel D’Oliveira v. Judge Charles Eskridge, State of Texas, Justice of the Peace, Precinct 1

TOPICS

motion for reconsideration

subject matter jurisdiction

declaratory judgment

injunctions

civil procedure

PRACTICE AREAS

civil procedure

federal courts

constitutional law

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff's untimely objections to the magistrate judge's Memorandum and Recommendation should be considered.
2. Whether the magistrate judge's recommendation denying reconsideration should be adopted under de novo and clear-error review.
3. Whether Plaintiff demonstrated a basis for federal subject-matter jurisdiction over his claims challenging state-court criminal judgments.

HOLDINGS

1. Untimely objections were properly stricken; in any event, the objections lacked merit.
2. The district court reviews de novo conclusions to which a party specifically objects and may accept unobjected-to portions if no clear error appears on the face of the record.
3. Reconsideration was denied because Plaintiff failed to articulate any basis for maintaining federal subject-matter jurisdiction, and no clear error appeared in the prior dismissal without prejudice.

KEY QUOTATIONS

"But even upon de novo review and determination, they lack merit."

"But nowhere does Plaintiff articulate any basis by which subject-matter jurisdiction may be maintained over this action."

"The motion by Plaintiff Nestor-Daniel D'Oliveira for reconsideration of prior order is DENIED."

FACTUAL BACKGROUND

Plaintiff challenged two state-court judgments convicting him of misdemeanor traffic violations and imposing fines and costs. He sought a declaration that the judgments violated due process and an injunction against the issuance or execution of warrants that could result in his arrest or incarceration. Plaintiff later filed multiple objections challenging the magistrate judge's authority, but did not articulate a basis for federal subject-matter jurisdiction.

PROCEDURAL HISTORY

Plaintiff filed an equitable petition seeking declaratory and injunctive relief concerning state-court judgments for misdemeanor traffic violations. The matter was referred to Magistrate Judge Yvonne Ho, who recommended dismissal without prejudice for lack of subject-matter jurisdiction; the district court adopted that

recommendation after overruling Plaintiff's objections. Plaintiff then moved for reconsideration, and Magistrate Judge Ho recommended denial. The district court adopted that recommendation and denied the motion.

DISPOSITION

other

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Guillory v. PPG Industries, Inc., 434 F.3d 303, 308 (5th Cir. 2005)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)

OPINION

January 12, 2026 Nathan Ochsner, Clerk UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION NESTOR-DANIEL § CIVIL ACTION NUMBER D'OLIVEIRA, § 4:25-cv-02327 Plaintiff, § § § versus § JUDGE CHARLES ESKRIDGE § § STATE OF TEXAS and § JUSTICE OF THE PEACE § PRECINCT 1, § Defendants. § AMENDED ORDER ADOPTING MEMORANDUM AND RECOMMENDATION Plaintiff Nestor-Daniel D'Oliveira proceeds here pro se.

He filed an "equitable petition for declaratory and injunctive relief" in which he challenged two state court judgments convicting him of misdemeanor traffic violations and imposing fines and costs. Dkt 1 at ¶5. He sought a declaration that these judgments violate due process and injunctive relief preventing "the issuance or execution of any warrant" that might subject him "to arrest or incarceration arising from the void judgment." Id at 3.

The matter was referred for disposition to Magistrate Judge Yvonne Ho. Dkt 3. Judge Ho issued a Memorandum and Recommendation in which she recommended that the claims be dismissed without prejudice for lack of subject- matter jurisdiction. Dkt 5. Plaintiff filed objections. Dkt 6. Such objections were overruled, and Plaintiff's claims were dismissed without prejudice.

Dkt 7 at 2. Pending is a motion by Plaintiff for reconsideration. Dkt 9. Judge Ho issued a second Memorandum and Recommendation recommending this motion be denied. Dkt 10. The district court reviews de novo those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also United States v Wilson, 864 F2d 1219, 1221 (5th Cir 1989, per curiam).

The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See Guillory v PPG Industries Inc, 434 F3d 303, 308 (5th Cir 2005), citing Douglass v United Services Automobile Association, 79 F3d 1415, 1430 (5th Cir 1996, en banc); see also FRCP 72(b) advisory committee note (1983).

Plaintiff made numerous filings, liberally construed as objections, after the requisite deadline lapsed. Dkts 12, 13, 14 & 15. Such objections are thus properly STRICKEN. But even upon de novo review and determination, they lack merit.

The filings challenge the authority of the Magistrate Judge over this action. But nowhere does Plaintiff articulate any basis by which subject-matter jurisdiction may be maintained over this action. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The objections by Plaintiff Nestor-Daniel D'Oliveira to the Memorandum and Recommendation of the Magistrate Judge are STRICKEN. They are also OVERRULED. Dkts 12, 13, 14 & 15. The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 10.

The motion by Plaintiff Nestor-Daniel D'Oliveira for reconsideration of prior order is DENIED. Dkt 9. SO ORDERED. Signed on January 08, 2026, at Houston, Texas. Z. Honorable Charles Eskridge United States District Judge