

**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

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