

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, CORPUS CHRISTI DIVISION

Jim Hargrave v. Eric Guerrero, Director, TDCJ-CID

Hargrave · No. 2:26-CV-00045 · Decided April 22, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopts a magistrate judge’s Memorandum and Recommendation in Jim Hargrave’s 28 U.S.C. § 2254 habeas petition. Because no objections were filed and the recommendation was not clearly erroneous or contrary to law, the court dismisses the petition and denies a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Corpus Christi Division
JURISDICTION	United States District Court for the Southern District of Texas, Corpus Christi Division
DECIDED	April 22, 2026
DOCKET	2:26-CV-00045
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Memorandum and Recommendation recommending dismissal of the petition under 28 U.S.C. § 2254 and denial of a certificate of appealability. No party filed a timely objection.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's Memorandum and Recommendation, the district court reviews it for clear error or whether it is contrary to law.
PRECEDENTIAL VALUE	unpublished

TOPICS

- federal habeas corpus
- post-conviction relief
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- federal civil procedure

QUESTIONS PRESENTED

1. Whether the magistrate judge's Memorandum and Recommendation was clearly erroneous or contrary to law in recommending dismissal of the § 2254 petition.
2. Whether a certificate of appealability should be denied.

HOLDINGS

1. When no timely objection is filed, the district court need only determine whether the magistrate judge's Memorandum and Recommendation is clearly erroneous or contrary to law.
2. The court adopted the Memorandum and Recommendation and dismissed the petition under 28 U.S.C. § 2254.
3. The court denied Petitioner a certificate of appealability.

KEY QUOTATIONS

“When no timely objection has been filed, the district court need only determine whether the Magistrate Judge’s M&R is clearly erroneous or contrary to law.” (1/9)

FACTUAL BACKGROUND

The opinion concerns a petition for a writ of habeas corpus under 28 U.S.C. § 2254. The magistrate judge recommended dismissal of the petition and denial of a certificate of appealability. The parties received notice and an opportunity to object, but no timely objection was filed.

PROCEDURAL HISTORY

Jim Hargrave filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254. Magistrate Judge Jason B. Libby recommended dismissal of the petition and denial of a certificate of appealability. After receiving no objections, the district court reviewed the recommendation for clear error or inconsistency with law, adopted it in its entirety, dismissed the petition, and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)
- Powell v. Litton Loan Servicing, L.P., No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.)

OPINION

Hargrave

PER CURIAM.

□ Southern District of Texas

ENTERED

April 22, 2026 UNITED STATES DISTRICT COURT Nathan Ochsner, Clerk

SOUTHERN DISTRICT OF TEXAS

CORPUS CHRISTI DIVISION

§

JIM HARGRAVE, §

§ Petitioner, § §

v. § CIVIL ACTION NO. 2:26-CV-00045

§

ERIC GUERRERO, DIRECTOR, TDCJ-CID, §

§ Respondent.

ORDER ADOPTING MEMORANDUM & RECOMMENDATION

SS EEA MEMORANDUM & RECOMMENDATION

Before the Court is Magistrate Judge Jason B. Libby's Memorandum and Recommendation (M&R"). (D.E. 8). The M&R recommends that the Court dismiss Petitioner's § 2254 petition and deny a certificate of appealability. Id. at 1. The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Powell vy. Litton Loan Servicing, L.P.*, No. 4:14-CV-02700, 2015 WL 3823 141, at *1 (S.D. Tex. June 18, 2015) (Harmon, J.) (citation omitted). Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the Parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court ADOPTS the M&R in its entirety. (D.E. 8). Accordingly, the Court DISMISSES Petitioner's § 2254 petition. (D.E. 1), and DENIES Petitioner a certificate of appealability. 1/9 The Court will enter final judgment separately. SO ORDERED.

DAVI ORALES

UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas April 22" 2026