

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

Joseph Anthony Reyna v. Exxon Mobile Corp. et al.

Reyna · No. 1:25-cv-00194 · Decided January 14, 2026

SUMMARY

The United States District Court for the Southern District of Texas dismissed Joseph Anthony Reyna’s petition to perpetuate testimony and preserve evidence under Federal Rule of Civil Procedure 27. The court adopted the magistrate judge’s report and recommendation, finding that the petition failed to identify adverse parties and deponents as required by Rule 27 and failed to state a claim under 28 U.S.C. § 1915(e)(2). The dismissal was without prejudice, and the case was closed.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Brownsville Division
WRITING FOR THE COURT	Rolando Olvera
JURISDICTION	United States District Court for the Southern District of Texas, Brownsville Division
DECIDED	January 14, 2026
DOCKET	1:25-cv-00194
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a verified petition under Federal Rule of Civil Procedure 27 to perpetuate testimony and preserve evidence. After a magistrate judge recommended dismissal, petitioner filed objections. The district court conducted de novo review, adopted the report and recommendation, and dismissed the petition without prejudice.
STANDARD OF REVIEW	De novo review of the magistrate judge's report and recommendation because petitioner filed objections.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Joseph Anthony Reyna v. Exxon Mobile Corp. et al.

TOPICS

- pleadings
- evidence
- civil procedure

PRACTICE AREAS

civil procedure

environmental law

evidence

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation after de novo review of petitioner's objections.
2. Whether the petition satisfied the pleading requirements of Federal Rule of Civil Procedure 27(a) for perpetuation of testimony.
3. Whether dismissal under 28 U.S.C. § 1915(e)(2) was warranted because the petition failed to state a claim on which relief could be granted.

HOLDINGS

1. The petition failed to satisfy Rule 27(a) because it did not explain why petitioner could not presently bring the anticipated action, identify the adverse parties and their addresses, or provide the name, address, and expected substance of the testimony of each deponent.
2. Dismissal without prejudice was warranted under 28 U.S.C. § 1915(e)(2) because the Rule 27 petition failed to state a claim on which relief could be granted.

KEY QUOTATIONS

"To file a petition to perpetuate testimony, the petitioner must comply with the pleading requirements specified under Rule 27(a)." (Discussion)

"The Petition (Dkt. No. 1) is DISMISSED without prejudice." (Conclusion)

FACTUAL BACKGROUND

Petitioner alleged that Exxon's port transfers, pipeline transportation, waste-handling practices, and affiliated LNG and export investments imposed disproportionate burdens on communities in the Rio Grande Valley. Rather than asserting environmental-harm claims, he sought to preserve anticipated evidence concerning activities in Cameron and Willacy Counties, including SCADA logs and testing and plugging records. The petition did not identify the adverse parties and their addresses, explain why petitioner could not presently bring the anticipated action, or provide the required information about each expected deponent and testimony.

PROCEDURAL HISTORY

Reyna filed the Rule 27 petition on September 3, 2025. The magistrate judge granted in forma pauperis status and recommended dismissal because the petition failed to satisfy Rule 27 and lacked a legally cognizable basis under 28 U.S.C. § 1915(e)(2). After Reyna objected, the district court reviewed the matter de novo, adopted the report and recommendation, dismissed the petition without prejudice, and ordered the case closed.

DISPOSITION

dismissed

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Shore v. Acands, Inc., 644 F.2d 386, 388 (5th Cir. 1981)
- Turner v. Nationstar Mortg., LLC, No. 3:16-CV-501-K-BH, 2016 WL 7223342, at *4 (N.D. Tex. Nov. 21, 2016), report and recommendation adopted, No. 3:16-CV-501-K, 2016 WL 7210883 (N.D. Tex. Dec. 13, 2016)

OPINION

Southern District of Texas ENTERED UNITED STATES DISTRICT COURT January 14, 2026 SOUTHERN DISTRICT OF TEXAS Nathan Ochsner, Clerk BROWNSVILLE DIVISION JOSEPH ANTHONY REYNA, “Petitioner,” § | § § Civil Action No. 1:25-cv-00194 EXXON MOBILE CORP. et ai., § □ “Respondents.” § ORDER Before this Court are Petitioner’s “Verified Rule 27 Petition to Perpetuate Testimony and Preserve Evidence” (Dkt.

No. 1) (“Petition”), the Magistrate Judge’s “Order Granting IFP Motion (Dkt. No. 2) and Report and Recommendation for Dismissal of Rule 27 Motion” (Dkt. No. 10) (“R&R”), and Petitioner’s “Final Supplemental Structural Filing and Clarification” (Dkt. No. 13) (“Objections”).

The Magistrate Judge recommended this Court deny the Petition because of Petitioner’s failure to meet the requirements of FED. R. Civ. P. 27 (“Rule 27”) and failure to state a claim under 28 U.S.C. § 1915(e)(2). Dkt. No. 10 at 6. Upon a de novo review, the Court ADOPTS the R&R (Dkt. No. 28) and DISMISSES the Petition (Dkt: No. 1).

I. BACKGROUND Petitioner filed his Petition September 3, 2025, alleging “Exxon’s port transfers, pipeline transport, waste-handling practices, and affiliated LNG/export investments impose disproportionate burdens on...communities in the Rio Grande Valley.” Dkt. No. 1 at 2.

The Petition, however, does not seek to assert claims of environmental harms; it instead seeks to “perpetuate testimony and preserve at-risk evidence for. anticipated litigation” against Respondents, *id.* at 1. The Petition asks the Court to preserve a litany of evidence relating to Respondents’ activities in Cameron and Willacy counties, ranging from “SCADA logs” to “testing/plugging records.” *Id.* at 5-6.

On November 21, 2025, the Magistrate Judge published her R&R, in which she recommended the Court deny the Petition because 1) it fails to conform with Rule 27 and 2) since the Magistrate Judge granted Petitioner-in forma pauperis status, the Court should dismiss the Petition because the claims are dismissible under 28 U.S.C. § 1915(e)(2) for lacking “a legal basis.” Dkt.

No. 10 at 6. On December 16, 2025, Petitioner responded to the R&R in a “non- adversarial” filing, and in it, Petitioner disputed the R&R’s supposed “assumptions” that the requested evidence was “archival documentary evidence.” Dkt. No. 13 at 1. II. LEGAL STANDARD If a party objects to a magistrate’s ruling, the district court will review that determination de novo.

United States v. Wilson, 864 F.2d 1219, 1221 (Sth Cir. 1989). The Court construes Petitioner’s December 16, 2025, filing (Dkt. No. 13) as objections to the R&R and thus applies this standard of review. II. DISCUSSION Upon de novo review, the Court finds no error in the R&R’s ultimate conclusions.

To file a petition to perpetuate testimony, the petitioner must comply with the pleading requirements specified under Rule 27(a). Petitioner must, for instance, provide “the names or a description of the persons whom the petitioner expects to be adverse parties and their addresses” and show “that the petitioner expects to be a party to an action...but cannot presently bring it or cause it to be brought.” FED.

R. Civ. P. 27(a). Failure to fulfill these requirements is “dispositive,” Shore v. Acands, Inc., 644 F.2d 386, 388 (Sth Cir. 1981), and can be grounds for dismissal for “failure to state a claim.” See Turner v. Nationstar Mortg., LLC, No. 3:16-CV-501-K-BH, 2016 WL 7223342, at *4 (N.D. Tex. Nov. 21, 2016), report and recommendation adopted, No. 3:16- CV-501-K, 2016 WL 7210883 (N.D.

Tex. Dec. 13, 2016). The Court finds that the Petition fails to fulfill the requirements under FED. R: Civ. P. 27(a) and should thus be dismissed sua sponte under 28 U.S.C. § 1915(e)(2) for “fail[ing] to state a claim on which relief may be granted.” Rule 27(a) expressly requires Petitioner to explain why he cannot presently bring a claim and ‘to detail the names and addresses of the adverse parties in the anticipated suit.

FED. R. Civ. P. 27(a). The Petition does not do so, and the R&R is right to stress that failure. See Dkt. No. 10 at 4. Just as fatally, the Petition does not “provide ‘the name, address, and expected substance of the testimony of each deponent’ as required under FRCP 27(a)(1)(E).” Id. (quoting FED. R. CIV. P. 27(a)(1)(E)).

Because Petitioner failed to fulfill the requirements of a Rule 27(a) petition,’ the Court finds that his Petition should be denied under 28 U.S.C. § 1915(e)(2). The Objections do not offer arguments on this point, and the Petition has not been amended since the R&R pointed out these fatal defects. Dkt. Nos. 1 & 13. IV. CONCLUSION The R&R (Dkt. No. 10) is hereby ADOPTED.

The Petition (Dkt. No. 1) is DISMISSED without prejudice. The Clerk of the Court is hereby ORDERED to close this case. Signed on this 14" day of January, 2026. Ro} do Olvera United States District Judge 3.

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