

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PRECEDENTIAL VALUE	unpublished district court order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)

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