

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, TYLER DIVISION**

**Bonita Nelson, as mother and heir at law of Shawn Nelson, deceased
v. University of Texas Medical Branch, et al.**

Nelson v. University of Texas Medical Branch · No. 6:24-cv-22-JDK-KNM · Decided December 11, 2025

OPINION

Bonita Nelson, as mother and heir at law of Shawn Nelson, deceased v. UNIVERSITY OF TEXAS MEDICAL BRANCH, et al.

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

BONITA NELSON, as mother and heir § at law of Shawn Nelson, deceased, § § Plaintiff, § § v. §
Case No. 6:24-cv-22-JDK-KNM §
UNIVERSITY OF TEXAS MEDICAL §
BRANCH, et al., § § Defendants. §

ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Bonita Nelson, as mother and heir of her deceased son, Shawn Nelson, a former prisoner confined within the Texas Department of Criminal Justice (TDCJ), filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell for findings of fact, conclusions of law, and recommendations for the disposition of the case. October 28, 2025, Judge Mitchell issued a Report (Docket No. 16) recommending that Defendants UTMB, Murray, and Russell’s motion to dismiss (Docket No. 14), be granted and that Plaintiff’s claims against them be dismissed, without prejudice, for lack of proper service. Judge Mitchell also recommended that the remaining Defendants, TDCJ, Collier, Lithicum, and Collum’s motion to dismiss (Docket No. 15) be granted—and that Plaintiff’s claims against them be dismissed, with prejudice, for the failure to state a claim upon which relief may be granted. No parties have filed objections, and the objection period has expired. This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, no objections were filed. The Court therefore reviews the Magistrate

Judge's findings for clear error or abuse of discretion and reviews the legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Having reviewed the Magistrate Judge's Report and the record in this case, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 16) as the opinion of this Court. It is therefore ORDERED that Defendants UTMB, Murray, and Russell's motion to dismiss (Docket No. 14) is GRANTED and Plaintiff's claims against them are dismissed, without prejudice, for lack of service. It is further ORDERED that Defendants TDCJ, Collier, Lithicum, and Collum's motion to dismiss (Docket No. 15) is GRANTED, and Plaintiff's claims against them are dismissed, with prejudice, for failure to state a claim upon which relief may be granted. Any motions pending in this case are DENIED as moot. So ORDERED and SIGNED this 11th day of December, 2025. o>, A

UNITED STATES DISTRICT JUDGE