

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

Derrick Pernell Holman v. Neal Franklin, Smith County Judge, et al.

Holman · No. 6:25-cv-295-JDK-JDL · Decided December 9, 2025

SUMMARY

The United States District Court for the Eastern District of Texas adopts a magistrate judge’s Report and Recommendation because no objections were filed within the applicable period. The court grants the remaining defendants’ motion to dismiss and dismisses the plaintiff’s claims with prejudice, denying pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Tyler Division
WRITING FOR THE COURT	Jeremy D. Kernodle
JURISDICTION	United States District Court for the Eastern District of Texas, Tyler Division
DECIDED	December 9, 2025
DOCKET	6:25-cv-295-JDK-JDL
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending dismissal of the remaining defendants' motion to dismiss and dismissal of the plaintiff's claims with prejudice. No objections were filed.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's report and recommendation, the district court reviews factual findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law. De novo review applies when a party timely objects under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is not stated in the opinion.

TOPICS

- motions to dismiss
- civil procedure
- civil rights

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. What standard of review applies when no party objects to a magistrate judge's report and recommendation?
2. Whether the magistrate judge's report and recommendation should be adopted and the remaining defendants' motion to dismiss granted.
3. Whether the case should be dismissed with prejudice and pending motions denied as moot.

HOLDINGS

1. When no timely objections are filed to a magistrate judge's report and recommendation, the district court reviews the magistrate judge's findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law.
2. The court found no clear error, abuse of discretion, or conclusions contrary to law in the magistrate judge's report and recommendation, adopted it as the findings of the court, granted defendants' motion to dismiss, and dismissed the case with prejudice.

KEY QUOTATIONS

"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." (Order)

"Defendants' motion to dismiss (Docket No. 9) is GRANTED, and this case is DISMISSED with prejudice." (Order)

FACTUAL BACKGROUND

Plaintiff Derrick Pernel Holman, proceeding pro se, filed suit against Neal Franklin, the Smith County Judge, and other defendants. The district court's order does not discuss the underlying substantive facts or claims; it addresses only the magistrate judge's recommendation to dismiss the remaining defendants and the absence of objections.

PROCEDURAL HISTORY

Plaintiff filed the lawsuit on August 4, 2025. The case was referred to Magistrate Judge John D. Love, who issued a report and recommendation on November 20, 2025, recommending that the remaining defendants' motion to dismiss be granted and the claims dismissed with prejudice. The district court found no clear error, abuse of discretion, or legal error, adopted the report and recommendation, granted the motion to dismiss, dismissed the case with prejudice, and denied all pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION DERRICK PERNELL HOLMAN, § § Plaintiff, § § v. § Case No. 6:25-cv-295-JDK-JDL § NEAL FRANKLIN, SMITH COUNTY § JUDGE, et al., § § Defendants. §
ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE Plaintiff Derek Pernell Holman, proceeding pro se, filed this lawsuit against Defendants on August 4, 2025.

Docket No. 3. This case was referred to United States Magistrate Judge, the Honorable John D. Love, for findings of fact, conclusions of law, and recommendations for disposition. On November 20, 2025, Judge Love issued a Report and Recommendation recommending that the remaining Defendants' motion to dismiss be granted and that Plaintiff's claims against Defendants be dismissed with prejudice.

Docket No. 17. No objections to the Report have been filed, and the time period for filing objections has passed. 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, Plaintiff did not object in the prescribed period. 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. 17) as the findings of this Court. Defendants' motion to dismiss (Docket No. 9) is GRANTED, and this case is DISMISSED with prejudice.

All pending motions are DENIED as MOOT. So ORDERED and SIGNED this 9th day of December, 2025. JHREMYD. KERN DLE UNITED STATES DISTRICT JUDGE

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