

**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.

OPINION

Holman

PER CURIAM.

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 Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).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