

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

Hoskins v. Plaza Place Owners Association, Inc.

Hoskins · No. 4:25-cv-01107 · Decided November 21, 2025

SUMMARY

The United States District Court for the Southern District of Texas adopted a magistrate judge's Memorandum and Recommendation concerning pro se plaintiffs' motions for an emergency temporary restraining order and to decline consent to a magistrate judge. The court overruled the plaintiffs' objections, concluding that they had not satisfied Federal Rule of Civil Procedure 65(b)(1) or shown a substantial likelihood of success on the merits and irreparable harm. The court denied both motions.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Charles Eskridge
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	November 21, 2025
DOCKET	4:25-cv-01107
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs objected to a magistrate judge's Memorandum and Recommendation recommending denial of their emergency motion for a temporary restraining order and preliminary injunction and their motion to decline consent to the magistrate judge. The district court reviewed the objections and adopted the Memorandum and Recommendation.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's recommendation to which a party specifically objects and may accept unobjected-to portions unless clear error appears on the face of the record.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

PARTIES

Hlevictor A. Hoskins, Jr., Tracey R. Young v. Plaza Place Owners Association, Inc., Associa Principal Management Group of Houston

TOPICS

injunctions civil procedure ada / disability real estate

PRACTICE AREAS

civil procedure injunctions Americans with Disabilities Act Fair Housing Act real estate

QUESTIONS PRESENTED

1. Whether the district court should sustain plaintiffs' objections to the magistrate judge's recommendation denying emergency temporary restraining-order and preliminary-injunction relief.
2. Whether plaintiffs satisfied the requirements for an ex parte temporary restraining order under Federal Rule of Civil Procedure 65(b)(1).
3. Whether plaintiffs demonstrated a substantial likelihood of success on the merits and irreparable harm sufficient to obtain emergency injunctive relief.
4. Whether the district court should decline consent to the magistrate judge.

HOLDINGS

1. The district court reviews de novo the conclusions to which a party specifically objects and may accept the remaining portions if no clear error appears on the face of the record.
2. A party seeking an ex parte temporary restraining order must certify the reasons why notice should not be required before issuance; plaintiffs failed to satisfy that requirement.
3. Plaintiffs failed to establish a substantial likelihood of success on the merits or irreparable harm, and therefore were not entitled to emergency temporary-restraining-order or preliminary-injunction relief.

KEY QUOTATIONS

“The unsubstantiated allegations contained in the motion fail to meet this standard. And Plaintiffs fail to demonstrate any irreparable harm beyond the speculative consequences from their failure to pay disputed charges.”

FACTUAL BACKGROUND

Plaintiffs sued a property owners association and its management company under the Americans with Disabilities Act and Fair Housing Act, as well as for breach of fiduciary duty and negligence. They sought an emergency temporary restraining order and preliminary injunction based in part on disputed charges and alleged consequences from their failure to pay those charges. Their motion contained unsubstantiated allegations and did not provide reasons why notice should not be required for ex parte relief.

PROCEDURAL HISTORY

Plaintiffs brought claims under the Americans with Disabilities Act, the Fair Housing Act, breach of fiduciary duty, and negligence. The matter was referred to Magistrate Judge Yvonne Ho, who recommended denying plaintiffs' emergency temporary-restraining-order motion and their motion to decline consent to the magistrate judge. After plaintiffs objected to the recommendation concerning the temporary restraining order, the district court conducted de novo review of the challenged conclusions, found the objections meritless, overruled them, adopted the recommendation, and denied both motions.

DISPOSITION

other

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Guillory v. PPG Industries, Inc., 434 F.3d 303, 308 (5th Cir. 2005)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)

OPINION

November 21, 2025 Nathan Ochsner, Clerk UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION HLEVICTOR A. HOSKINS, § CIVIL ACTION NO JR., and TRACEY R. § 4:25-cv-01107 YOUNG, § Plaintiffs, § § § vs § JUDGE CHARLES ESKRIDGE § § PLAZA PLACE OWNERS § ASSOCIATION, INC, and § ASSOCIA PRINCIPAL § MANAGEMENT GROUP OF § HOUSTON, § Defendants. § ORDER ADOPTING MEMORANDUM AND RECOMMENDATION Plaintiffs Hlevictor A. Hoskins, Jr., and Tracey R. Young proceed here pro se.

They sue Defendants Plaza Place Owners Association, Inc, and Associa Principal Management Group of Houston for violations of the Americans with Disabilities Act and the Fair Housing Act. Dkt 1 at ¶¶47–65. They also bring claims for breach of fiduciary duty and negligence. Id at ¶¶66–81.

The matter was referred for disposition to Magistrate Judge Yvonne Ho. Dkt 9. Plaintiffs brought motions for an emergency temporary restraining order and to “decline consent to Magistrate Judge.” Dkts 11 & 12. Judge Ho issued a Memorandum and Recommendation in which she recommended that the motions be denied. Dkt 14.

The district court reviews de novo those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also United States v Wilson, 864 F.2d 1219, 1221 (5th Cir 1989, per curiam).

The district court may accept any other portions to which there’s no objection if satisfied that no clear error appears on the face of the record. See Guillory v PPG Industries Inc, 434 F.3d 303, 308

(5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, en banc); see also FRCP 72(b) advisory committee note (1983).

Plaintiffs filed objections as to the motion for temporary restraining order. Dkt 15. They assert that the Memorandum and Recommendation errs by indicating that they must serve or confer with Defendants prior to requesting the temporary restraining order. They further contend that the Memorandum and Recommendation erred in finding that Plaintiffs failed to show substantial likelihood of success on the merits and irreparable harm.

Id at 2–4. Upon de novo review and determination, the objections lack merit. The Memorandum and Recommendation didn't require that Plaintiffs serve the temporary restraining order on Defendants or confer with Defendants. Rather, Federal Rule of Civil Procedure 65(b)(1) itself requires Plaintiffs to certify the reasons why notice shouldn't be required prior to issuance of a temporary restraining order ex parte.

Plaintiffs didn't provide such reasons. Plaintiffs also bear the burden of demonstrating a substantial likelihood of success on the merits. The unsubstantiated allegations contained in the motion fail to meet this standard. And Plaintiffs fail to demonstrate any irreparable harm beyond the speculative consequences from their failure to pay disputed charges.

No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law. The objections by Plaintiffs Hlevictor A. Hoskins, Jr., and Tracey R. Young to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 15.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 14. The emergency motion by Plaintiffs Hlevictor A. Hoskins, Jr., and Tracey R. Young for temporary restraining order and preliminary injunction is DENIED. Dkt 11.

The motion by Plaintiffs Hlevictor A. Hoskins and Tracey R. Young to decline consent to the magistrate judge is DENIED. Dkt 12. SO ORDERED. Signed on November 18, 2025, at Houston, Texas. Hon. (Lo Eskridge United States District Judge