

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, CORPUS CHRISTI DIVISION

Armando Gomez v. Kelvin D. Masters, et al.

Gomez · No. 2:25-CV-00240 · Decided December 16, 2025

SUMMARY

The United States District Court for the Southern District of Texas adopted a magistrate judge's memorandum and recommendation in Armando Gomez's civil rights action. The court retained certain Eighth Amendment excessive-force and failure-to-protect claims against four defendants in their individual capacities and dismissed other claims without prejudice, including official-capacity damages claims barred by the Eleventh Amendment.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Corpus Christi Division
JURISDICTION	United States District Court for the Southern District of Texas, Corpus Christi Division
DECIDED	December 16, 2025
DOCKET	2:25-CV-00240
DISPOSITION	other
PROCEDURAL POSTURE	District court order adopting a magistrate judge's memorandum and recommendation, retaining certain Eighth Amendment claims and dismissing other claims without prejudice.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's memorandum and recommendation, the district court reviews the record for clear error before accepting the recommendation.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not indicated.
PARTIES	Armando Gomez v. Kelvin D. Masters, Adan A. Cavazos, Linda M. Perez, Eisa M. Chapa, et al.

TOPICS

- prisoners rights
- section 1983
- cruel and unusual punishment
- eleventh amendment immunity
- civil procedure

PRACTICE AREAS

Civil rights

Prisoner civil rights

Federal civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's memorandum and recommendation when no timely objection was filed.
2. Whether Plaintiff's official-capacity claims for money damages are barred by the Eleventh Amendment.
3. Whether Plaintiff's remaining claims should be dismissed for failure to state a claim under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

HOLDINGS

1. When no timely objection is filed, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the magistrate judge's memorandum and recommendation.
2. Plaintiff's claims for money damages against defendants in their official capacities are barred by the Eleventh Amendment and must be dismissed without prejudice.
3. Plaintiff's remaining claims must be dismissed without prejudice for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

KEY QUOTATIONS

“When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation.”

FACTUAL BACKGROUND

Plaintiff Armando Gomez asserted Eighth Amendment claims involving excessive force and failure to protect against prison officials. He also sought money damages against defendants in their official capacities and asserted additional claims that the court determined should be dismissed.

PROCEDURAL HISTORY

Magistrate Judge Jason B. Libby issued a memorandum and recommendation on November 13, 2025, recommending dismissal of certain claims and retention of the case. Plaintiff received notice and an opportunity to object but filed no timely objections. The district court reviewed the recommendation for clear error, adopted its findings and conclusions, retained specified individual-capacity Eighth Amendment claims, and dismissed the remaining claims without prejudice.

DISPOSITION

other

CASES CITED

- *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005)
- *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1420 (5th Cir. 1996)

OPINION

UNITED STATES DISTRICT COURT December 16, 2025 SOUTHERN DISTRICT OF TEXAS
Nathan Ochsner, Clerk CORPUS CHRISTI DIVISION ARMANDO GOMEZ, § § Plaintiff, § §
VS. § CIVIL ACTION NO. 2:25-CV-00240 § KELVIN D. MASTERS, et al., § § Defendants. §
ORDER ADOPTING MEMORANDUM AND RECOMMENDATION TO DISMISS CERTAIN
CLAIMS AND RETAIN CASE On November 13, 2025, United States Magistrate Judge Jason B.
Libby issued his “Memorandum and Recommendation to Dismiss Certain Claims and Retain
Case” (D.E.

17). Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed. When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation.

Guillory v. PPG Indus., Inc., 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996)). Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge’s memorandum and recommendation (D.E. 17), and all other relevant documents in the record, and finding no clear error, the Court ADOPTS as its own the findings and conclusions of the Magistrate Judge.

Accordingly, the Court: e RETAINS the Eighth Amendment claims of excessive force and failure to protect against: (1) Warden Kelvin D. Masters; (2) Lt. Adan A. Cavazos; (3) Sgt. Linda M. Perez; and (4) Officer Eisa M. Chapa in their individual capacities; e DISMISSES WITHOUT PREJUDICE Plaintiff’s claims for money damages against Defendants in their official capacities as barred by the Eleventh Amendment; e DISMISSES WITHOUT PREJUDICE all of Plaintiff’s remaining claims for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b) (1).

ORDERED on December 16, 2025. UNITED STATES DISTRICT JUDGE 2/2