

**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

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