

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, SAN ANTONIO DIVISION

Eve Escobedo v. Rogelio Carlos Gonzalez

Escobedo · No. SA-24-CV-01363-OLG · Decided December 8, 2025

SUMMARY

The United States District Court for the Western District of Texas adopts a magistrate judge’s report and recommendation concerning the defendant’s motion to dismiss. The court overrules the plaintiff’s objections, grants the motion, dismisses the federal claims with prejudice, dismisses the state-law claims without prejudice, lifts the stay, and closes the case.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, San Antonio Division
WRITING FOR THE COURT	Orlando L. Garcia
JURISDICTION	United States District Court for the Western District of Texas, San Antonio Division
DECIDED	December 8, 2025
DOCKET	SA-24-CV-01363-OLG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation on Defendant's motion to dismiss after Plaintiff filed timely objections.
STANDARD OF REVIEW	The district court conducts de novo review of any properly objected-to portion of a magistrate judge's report and recommendation and reviews unobjected-to portions for clear error. Specific objections are required; frivolous, conclusory, or general objections need not be considered.
PRECEDENTIAL VALUE	Unknown; district court order adopting report and recommendation
PARTIES	Eve Escobedo v. Rogelio Carlos Gonzalez

TOPICS

- motions to dismiss
- civil procedure
- pleadings

PRACTICE AREAS

civil procedure

civil rights

QUESTIONS PRESENTED

1. What standard of review applies to a magistrate judge's report and recommendation when a party files objections?
2. Whether Plaintiff's objections warranted rejecting or modifying the magistrate judge's report and recommendation.
3. Whether Defendant's motion to dismiss should be granted and the federal and state-law claims dismissed.

HOLDINGS

1. A district court must conduct a de novo determination of any part of a magistrate judge's disposition that has been properly objected to.
2. Objections to a magistrate judge's findings and recommendations must be specific; frivolous, conclusory, or general objections need not be considered by the district court.
3. Defendant's motion to dismiss is granted; Plaintiff's federal claims are dismissed with prejudice and Plaintiff's state-law claims are dismissed without prejudice to their assertion in state court.

KEY QUOTATIONS

“any part of the magistrate judge’s disposition that has been properly objected to.”

FACTUAL BACKGROUND

The document provides no substantive facts underlying Plaintiff's federal and state-law claims because it adopts the magistrate judge's report and recommendation without reproducing its factual analysis. The procedural facts material to this order are that Defendant moved to dismiss, Plaintiff objected to the report and recommendation, and the district court rejected those objections.

PROCEDURAL HISTORY

Magistrate Judge Richard B. Farrer issued a report and recommendation on November 18, 2025, recommending disposition of Defendant's motion to dismiss. Plaintiff, proceeding pro se, timely objected. The district court conducted de novo review of the objected-to portions, overruled the objections, adopted the report and recommendation, granted the motion to dismiss, dismissed the federal claims with prejudice, dismissed the state-law claims without prejudice to refiling in state court, lifted the stay, and closed the case.

DISPOSITION

dismissed

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989), cert. denied, 492 U.S. 918 (1989)
- Battle v. U.S. Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987)
- Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. 1982)
- Douglass v. U.S. Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996)

OPINION

FILED December 08, 2025 UNITED STATES DISTRICT COURT CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION BY: NM DEPUTY EVE ESCOBEDO, § Plaintiff,: v.: NO. SA-24-CV-01363-OLG ROGELIO CARLOS GONZALEZ,: Defendant.: ORDER ADOPTING REPORT AND RECOMMENDATION The Court has considered United States Magistrate Judge Richard B. Farrer's Report and Recommendation (R&R), filed November 18, 2025, concerning Defendant's Motion to Dismiss.

(See R&R, Dkt. No. 31.) A party who wishes to object to a Magistrate Judge's findings and recommendations must serve and file specific written objections within 14 days. FED. R. Crv. P. 72(b)(2). Plaintiff, who is proceeding pro se, timely filed her objections on December 1, 2025. (See Dkt. No. 33.) When a party objects to an R&R, the Court must make a de novo determination as to "any part of the magistrate judge's disposition that has been properly objected to." FED.

R. Civ. P. 72(b)(3); see United States v. Wilson, 864 F.2d 1219, 1221 (Sth Cir. 1989), cert. denied, 492 U.S. 918 (1989). Objections must be specific; frivolous, conclusory, or general objections need not be considered by the district court. Battle v. U.S. Parole Comm'n, 834 F.2d 419, 421 (Sth Cir. 1987) (quoting Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (Sth Cir.

1982), overruled on other grounds by Douglass v. U.S. Auto. Ass'n, 79 F.3d 1415 (Sth Cir. 1996)). Any portions of the Magistrate Judge's findings or recommendations that were not objected to are reviewed for clear error. Wilson, 864 F.2d at 1221.

The Court, having reviewed the entirety of the R&R de novo, finds that Plaintiff's objections should be and hereby are OVERRULED. Finding that it is in all things correct, the Court ADOPTS the Magistrate Judge's R&R (Dkt. No. 31) and, for the reasons set forth therein, Defendant's Motion to Dismiss (Dkt. No. 8) is GRANTED. Plaintiff's federal claims are therefore DISMISSED WITH PREJUDICE, while her claims under state law are DISMISSED WITHOUT PREJUDICE to her ability to raise those claims in state court.

The stay is LIFTED, and this case is CLOSED. It is so ORDERED. SIGNED this day of December 2025. Mes. he ORLANDO L. GARCIA United States District Judge