

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

David Wayne Gibson, Jr. v. American Travel Associates, et al.

No. No. 25-00353, United States District Court for the Eastern District of Louisiana (April 24, 2026)

SUMMARY

The United States District Court for the Eastern District of Louisiana overruled David Wayne Gibson Jr.’s objection and adopted the magistrate judge’s recommendation. The court dismissed his Second Amended Complaint against American Travel Associates with prejudice and without leave to amend, concluding that his claims were facially prescribed and that his allegations did not support equitable tolling based on his medical condition.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Reg Gerard Guidry
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	April 24, 2026
DOCKET	No. 25-00353
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation de novo after Plaintiff filed objections. The court overruled the objections, adopted the recommendation, dismissed the Second Amended Complaint with prejudice and without leave to amend, denied Plaintiff's Motion for Protective Oversight and Request for Threat-Assessment Referral, and granted his motion to seal.
STANDARD OF REVIEW	De novo review of specific objections to a magistrate judge's report and recommendation under 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b); the court also determined that the equitable-tolling issue could be resolved under Rule 12(b)(6) based on the insufficiency of the allegations.
PRECEDENTIAL VALUE	Unknown; district court order designated per curiam, with no published reporter citation.
PARTIES	David Wayne Gibson, Jr. v. American Travel Associates, et al.

TOPICS

motions to dismiss

statute of limitations

ada / disability

civil procedure

pleadings

PRACTICE AREAS

civil procedure

employment law

Americans with Disabilities Act

civil rights

QUESTIONS PRESENTED

1. Whether Plaintiff's objection established a basis for equitable tolling of the 300-day period for filing an EEOC charge based on medical treatment and an alleged cancer-related incapacity.
2. Whether the absence of specific allegations supporting equitable tolling required dismissal of the Second Amended Complaint for failure to state a claim and as facially prescribed.
3. Whether the magistrate judge's report and recommendation should be adopted after de novo review.

HOLDINGS

1. Equitable tolling was unavailable because Plaintiff alleged no facts showing incapacity during the 300-day period for filing an EEOC charge and made only a barebones assertion in his objection.
2. Dismissal of Plaintiff's Second Amended Complaint with prejudice and without leave to amend was proper because the pleadings did not sufficiently allege equitable tolling and the claims were facially prescribed.
3. The court overruled Plaintiff's objection and approved and adopted the magistrate judge's report and recommendation after de novo review.

KEY QUOTATIONS

"It is warranted only in situations "where the plaintiff is actively misled by the defendant . . . or is prevented in some extraordinary way from asserting his rights."" (Section II)

FACTUAL BACKGROUND

Plaintiff asserted claims arising from the termination of his employment and argued that medical treatment for cancer prevented him from timely filing an EEOC charge. The applicable filing period was 300 days after termination. The Second Amended Complaint contained no factual allegations describing incapacity during that period, and Plaintiff's objection offered only a bare assertion that his medical condition justified equitable tolling.

PROCEDURAL HISTORY

The magistrate judge recommended dismissal of Plaintiff's claims against American Travel Associates for failure to state a claim and because the claims were facially prescribed. Plaintiff objected, arguing that equitable tolling based on medical treatment for cancer excused his failure to file an EEOC charge within 300 days of termination. After conducting an independent de novo review, the district court rejected the equitable-tolling argument and adopted the recommendation.

DISPOSITION

dismissed

CASES CITED

- Battle v. U.S. Parole Comm'n, 834 F.2d 419, 421 (5th Cir. 1987) (per curiam)
- Nettles v. Wainwright, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc)
- Douglass v. United States Auto. Ass'n, 79 F.3d 1415 (5th Cir. 1996)
- Lewis v. La. State Univ., No. 21-198, 2021 WL 4139138, at *7 (M.D. La. Sept. 10, 2021)
- Nat'l R.R. Passenger Corp. v. Morgan, 536 U.S. 101, 113-14 (2002)
- Cousin v. Lensing, 310 F.3d 843, 848 (5th Cir. 2002)
- DeBlanc v. St. Tammany Par. Sch. Bd., 640 F. App'x 308, 310 (5th Cir. 2016)
- Manning v. Chevron Chem. Co., 332 F.3d 874, 880 (5th Cir. 2003)
- Caldwell v. Dretke, 182 F. App'x 346, 347 (5th Cir. 2006) (per curiam)
- Fisher v. Johnson, 174 F.3d 710, 715 (5th Cir. 1999)
- Quina v. Owens-Corning Fiberglas Corp., 575 F.2d 1115, 1117-19 (5th Cir. 1978)
- McHenry v. Dir., Tex. Dep't of Crim. Just., 2024 WL 2703041, at *3 (N.D. Tex. Apr. 24, 2024)
- McHenry v. Dir., Tex. Dep't of Crim. Just., 2024 WL 2702662 (N.D. Tex. May 24, 2024)