

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, DALLAS DIVISION

Jaime Rodriguez Neri v. Director, TDCJ-CID

Civil Case No. 3:25-CV-1543-L-BK · No. 3:25-CV-1543-L-BK · Decided January 27, 2026

SUMMARY

A United States magistrate judge recommends dismissing Jaime Rodriguez Neri’s successive 28 U.S.C. § 2254 habeas petition without prejudice for lack of jurisdiction. The recommendation explains that Neri did not obtain authorization from the Fifth Circuit to file a successive petition as required by 28 U.S.C. § 2244(b)(3), and advises that objections be filed within 14 days of service.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	Renee Harris Toliver
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	January 27, 2026
DOCKET	3:25-CV-1543-L-BK
DISPOSITION	dismissed
PROCEDURAL POSTURE	A federal habeas petition under 28 U.S.C. § 2254 was referred to a United States magistrate judge for findings, conclusions, and a recommended disposition. The magistrate judge recommended dismissing the successive petition without prejudice for lack of jurisdiction because petitioner had not obtained authorization from the Fifth Circuit.
STANDARD OF REVIEW	The report and recommendation states that the district court lacks jurisdiction over a second or successive habeas application absent prior authorization from a three-judge panel of the Fifth Circuit. Objections to the report and recommendation are reviewed under the procedures in 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b); failure to make specific objections generally bars appellate review except for plain error.
PRECEDENTIAL VALUE	nonprecedential

PARTIES

Jaime Rodriguez Neri v. Director, TDCJ-CID

TOPICS

successive petitions

federal habeas corpus

subject matter jurisdiction

post-conviction relief

appellate procedure

PRACTICE AREAS

Federal habeas corpus

Post-conviction relief

Appellate procedure

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction to consider Neri's second or successive federal habeas petition under 28 U.S.C. § 2244(b) without prior authorization from the Fifth Circuit.
2. Whether the successive petition should be dismissed without prejudice rather than transferred to the Fifth Circuit.

HOLDINGS

1. A district court lacks jurisdiction to consider a second or successive § 2254 habeas petition unless the petitioner first obtains authorization from a three-judge panel of the Fifth Circuit under 28 U.S.C. § 2244(b)(3).
2. Dismissal without prejudice for lack of jurisdiction, rather than transfer to the court of appeals, was appropriate because Neri had not informed the district court of his current address.

KEY QUOTATIONS

"the successive habeas petition should be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction." (at 1)

"Section 2244(b)(3)(A) constitutes a bar to the district court's jurisdiction to consider a successive habeas petition unless the Court of Appeals has first granted the petitioner permission to file such a petition." (at 2)

"Neri's successive habeas petition should be DISMISSED WITHOUT PREJUDICE for lack of jurisdiction because he has not obtained authorization to file a successive habeas petition from the Court of Appeals for the Fifth Circuit." (at 3)

FACTUAL BACKGROUND

In 2010, Neri pleaded guilty to aggravated sexual assault in Texas state court and was sentenced to 30 years' imprisonment. His direct criminal appeal was dismissed for lack of jurisdiction, and a prior federal habeas petition was dismissed with prejudice as time barred. After his state habeas application was denied without written order, Neri filed another federal habeas petition challenging the same conviction without obtaining Fifth Circuit authorization.

PROCEDURAL HISTORY

Neri pleaded guilty in Texas state court to aggravated sexual assault and received a 30-year sentence. His direct appeal was dismissed for lack of jurisdiction. A prior federal habeas proceeding was dismissed with prejudice as time barred, and a later state habeas application was denied without written order. Neri then filed a second federal habeas petition challenging his conviction without obtaining authorization from the Fifth Circuit to file a successive application.

DISPOSITION

dismissed

CASES CITED

- State v. Neri, Nos. F09-58674 (Crim. Dist. Ct. No. 7, Dallas Cnty., Tex., Aug. 11, 2010)
- Neri v. State, No. 05-10-01373-CR (Tex. App.—Dallas Mar. 8, 2011)
- Neri v. Director, No. 3:24cv1378-E-BT, 2024 WL 3836562 (N.D. Tex. July 22, 2024)
- Neri v. Director, No. 3:24cv1378-E-BT, 2024 WL 3841484 (N.D. Tex. Aug. 14, 2024)
- Ex parte Neri, No. WR-89,599-02 (Tex. Crim. App. Dec. 18, 2024)
- United States v. Key, 205 F.3d 773, 774 (5th Cir. 2000)
- Crone v. Cockrell, 324 F.3d 833, 836 (5th Cir. 2003)
- In re Epps, 127 F.3d 364, 365 (5th Cir. 1997)
- Crone v. Cockrell, 324 F.3d 833, 838 (5th Cir. 2003)
- Douglass v. United Servs. Auto. Ass’n, 79 F.3d 1415, 1417 (5th Cir. 1996)