

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI, SOUTHERN DIVISION

Joshua David Hollon v. Burl Cain, et al.

Hollon v. Cain · No. 1:24-cv-207-HSO-BWR · Decided January 22, 2026

SUMMARY

The United States District Court for the Southern District of Mississippi overruled Joshua David Hollon’s objection to a magistrate judge’s report and recommendation and rejected his request for recusal based on alleged bias. The court adopted the recommendation, granted defendants’ motions for summary judgment, and dismissed Hollon’s 42 U.S.C. § 1983 claims without prejudice for failure to exhaust administrative remedies.

CASE DETAILS

COURT	United States District Court for the Southern District of Mississippi, Southern Division
WRITING FOR THE COURT	Halil Suleyman Ozerden
JURISDICTION	United States District Court for the Southern District of Mississippi, Southern Division
DECIDED	January 22, 2026
DOCKET	1:24-cv-207-HSO-BWR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff brought a prisoner civil-rights action under 42 U.S.C. § 1983. Defendants moved for summary judgment based on failure to exhaust administrative remedies. A magistrate judge recommended granting the motions and dismissing without prejudice. Plaintiff objected, primarily alleging magistrate-judge bias. The district court overruled the objection, denied any implied recusal request, adopted the Report and Recommendation, granted summary judgment, and dismissed the claims without prejudice.
STANDARD OF REVIEW	A district court reviews specifically objected-to portions of a magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1)(C). Where objections lack specificity, de novo review is not required, and unobjected-to findings are reviewed for plain error. A recusal request is evaluated under the objective impartiality standards of 28 U.S.C. §§ 144 and 455.

PRECEDENTIAL VALUE	Unknown; district-court order adopting a Report and Recommendation, with no reporter citation.
PARTIES	Joshua David Hollon v. Burl Cain, Brand Huffman, Joesph Canale, John Hostetter, Melonie Clark, Gwendolyn Woodland

TOPICS

summary judgment

prisoners rights

section 1983

civil rights

civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

recusal

administrative exhaustion

QUESTIONS PRESENTED

1. Whether Hollon's allegations that the magistrate judge was biased warranted recusal under 28 U.S.C. §§ 144 or 455.
2. Whether the district court was required to conduct de novo review of a Report and Recommendation when Hollon's objection did not specifically identify disputed findings or legal conclusions.
3. Whether defendants were entitled to summary judgment and dismissal without prejudice because Hollon failed to exhaust administrative remedies.

HOLDINGS

1. The request to recuse Magistrate Judge Rath was properly denied because Hollon filed no sufficient affidavit, alleged no particularized facts showing personal or extrajudicial bias, and relied only on speculation and prior judicial rulings.
2. Because Hollon's objection did not specifically identify any finding or conclusion in the Report and Recommendation, the district court was not required to conduct de novo review and properly reviewed the recommendation for plain error.
3. Defendants were entitled to summary judgment, and Hollon's § 1983 claims were dismissed without prejudice, because he failed to exhaust his administrative remedies.

KEY QUOTATIONS

“Judicial rulings alone are almost never a valid basis for recusal.”

“no reasonable person would harbor doubts about the magistrate judge’s impartiality.”

FACTUAL BACKGROUND

Joshua David Hollon, incarcerated at South Mississippi Correctional Institution, alleged unsafe prison conditions, gang control, denial of medical care, contraband trafficking, defective facilities, and denial of legal assistance. He sought damages and various forms of injunctive and sentencing-related relief under 42 U.S.C. § 1983. The defendants presented summary-judgment motions asserting that Hollon had failed to exhaust available

administrative remedies. Hollon's objection to the magistrate judge's recommendation relied on generalized allegations of bias arising from the magistrate judge's involvement in an earlier proceeding involving Hollon and did not identify specific errors in the recommendation.

PROCEDURAL HISTORY

The magistrate judge issued a Report and Recommendation on December 18, 2025, recommending summary judgment for all defendants and dismissal without prejudice for failure to exhaust administrative remedies. Plaintiff filed an objection that did not specifically challenge the recommendation's substantive findings and instead alleged bias and generalized grievances. The district court construed the bias allegation as a recusal request, reviewed the unobjected-to portions for plain error, adopted the recommendation, and ordered dismissal without prejudice.

DISPOSITION

dismissed

CASES CITED

- ThroughPuter, Inc. v. Amazon Web Servs., Inc., No. 1:22-CV-01095, 2024 WL 3738872, at *1 (W.D. Tex. Aug. 8, 2024)
- United States v. Feliz, 537 F. App'x 406, 407 (5th Cir. 2013)
- United States v. Brocato, 4 F.4th 296, 301 (5th Cir. 2021) (per curiam)
- United States v. Scroggins, 485 F.3d 824, 829 & n.19 (5th Cir. 2007)
- Liteky v. United States, 510 U.S. 540, 548, 555 (1994)
- United States v. Jordan, 49 F.3d 152, 155 (5th Cir. 1995)
- Andrade v. Chojnacki, 338 F.3d 448, 455 (5th Cir. 2003)
- Committee on Performance & Expenditure Review, 637 F.2d 1014, 1020 (5th Cir. 1981)
- Hollon v. Cain, 1:24-CV-00148-TBM, Nos. [18] [21] [22] (S.D. Miss. June 18, 2025)
- Crawford v. U.S. Department of Homeland Security, 245 F. App'x 369, 383 (5th Cir. 2007)
- Battle v. U.S. Parole Commission, 834 F.2d 419, 421 (5th Cir. 1987)
- Gooding v. Colvin, No. 1:15-cv-20-LG, 2016 WL 660932, at *2 (S.D. Miss. Feb. 18, 2016)
- Douglass v. United Services Automobile Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)