

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, TEXARKANA DIVISION**

Premium W. Clark v. Jerry D. Rochelle, et al.

Clark v. Rochelle · No. 5:25-CV-86-RWS-JBB · Decided March 30, 2026

OPINION

Rochelle

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

PREMIUM W. CLARK, §

§ Plaintiff, § §

v. § CIVIL ACTION NO. 5:25-CV-86-RWS-JBB

§ JERRY D. ROCHELLE, et al., § § Defendants. §

ORDER

Plaintiff Premium Clark, an inmate proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged violations of his constitutional rights. Docket No. 1. The case was referred to United States Magistrate Judge J. Boone Baxter pursuant to 28 U.S.C. § 636. On December 23, 2025, the Magistrate Judge issued a Report and Recommendation, recommending the above application for writ of habeas corpus be dismissed as moot. Docket No. 19. The Magistrate Judge further recommended that the dismissal of this lawsuit should have no effect upon Plaintiff's right to challenge his conviction or confinement through any lawful means, or to seek such relief in state court to which he may be entitled. *Id.* at 9. Plaintiff received a copy of this Report on February 17, 2026, but has filed no objections to date. Docket No. 21. Because no objections have been filed, any aggrieved party is barred from de novo review by the District Judge of the Magistrate Judge's proposed findings, conclusions, and recommendations. Moreover, except upon grounds of plain error, an aggrieved party is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. See *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017); *Arriaga v. Laxminarayan*, Case No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021). The Court has reviewed the pleadings in this case and the Report and Recommendation of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), cert. denied, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Accordingly, it

is ORDERED that the Report of the Magistrate Judge (Docket No. 19) is ADOPTED as the opinion of the District Court. It is further ORDERED that the above-captioned petition for writ of habeas corpus is DISMISSED WITH PREJUDICE for failure to state a claim upon which relief may be granted. The dismissal of this lawsuit should have no effect upon Plaintiffs right to challenge his conviction or confinement through any lawful means, or to seek such relief in state court to which he may be entitled. So ORDERED and SIGNED this 30th day of March, 2026.
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ROBERT W. SCHROEDER III

UNITED STATES DISTRICT JUDGE

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