

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
KENTUCKY, LOUISVILLE DIVISION

Marcel Rivero Perez v. Supervisory Detention and Deportation
Officer, Robert Guardian, and Terri Robinson

Perez · No. 3:24-cv-735-RGJ-LLK · Decided February 24, 2026

SUMMARY

The court accepts and incorporates the magistrate judge’s Report and Recommendation recommending dismissal of Marcel Rivero Perez’s amended habeas petition and complaint challenging an ICE Form I-220B Order of Supervision and related conditions. Because no objections were filed, the court found no error and ordered that a separate judgment issue.

CASE DETAILS

COURT	United States District Court for the Western District of Kentucky, Louisville Division
JURISDICTION	United States District Court for the Western District of Kentucky, Louisville Division
DECIDED	February 24, 2026
DOCKET	3:24-cv-735-RGJ-LLK
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas, injunctive, and declaratory relief challenging an ICE Form I-220B Order of Supervision and associated conditions. Respondents moved to dismiss. The matter was referred to a magistrate judge, who recommended granting the motion to dismiss. No objections were filed, and the district court accepted and incorporated the recommendation.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b)(3), the district court reviews de novo those portions of a magistrate judge's disposition to which a specific objection is made. When no specific objection is filed, the court may accept the report and recommendation without de novo review, although it may conduct its own review.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Marcel Rivero Perez v. Supervisory Detention and Deportation
Officer, Robert Guardian, Terri Robinson

TOPICS

immigration detention

motions to dismiss

removal proceedings

civil procedure

immigration

PRACTICE AREAS

immigration

habeas corpus

civil procedure

administrative law

QUESTIONS PRESENTED

1. Whether the district court could accept the magistrate judge's Report and Recommendation without de novo review when no party filed a specific objection.
2. Whether the magistrate judge's recommendation granting Respondents' motion to dismiss should be accepted and incorporated.

HOLDINGS

1. When no party files a specific objection to a magistrate judge's Report and Recommendation, the district court may accept the recommendation without de novo or other review; the court nevertheless conducted its own review and found no error.
2. The Report and Recommendation recommending that Respondents' motion to dismiss be granted was accepted in whole and incorporated by reference.

KEY QUOTATIONS

“Here, because no party has objected to the Report and Recommendation, the Court may accept it without review.”

FACTUAL BACKGROUND

Perez challenged the ICE Form I-220B Order of Supervision and associated conditions through an amended habeas petition and complaint for injunctive and declaratory relief. The district court's order does not describe the underlying immigration facts or the specific supervision conditions beyond identifying the challenged Form I-220B order.

PROCEDURAL HISTORY

Perez filed an amended petition for a writ of habeas corpus and a complaint for injunctive and declaratory relief. Respondents moved to dismiss, and the matter was referred to Magistrate Judge Lanny King. The magistrate judge issued a Report and Recommendation on February 3, 2026, recommending that the motion to dismiss be granted. Because no objections were filed by the February 17, 2026 deadline, the district court accepted the recommendation in whole and ordered that a separate judgment issue.

DISPOSITION

other

CASES CITED

- Thomas v. Arn, 474 U.S. 140 (1985)

OPINION

Perez

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF KENTUCKY

LOUISVILLE DIVISION

MARCEL RIVERO PEREZ, Petitioner v. Civil Action No. 3:24-cv-735-RGJ-LLK
SUPERVISORY DETENTION AND Defendants

DEPORTATION OFFICER,

ROBERT GUADIAN, and TERRI

ROBINSON

* * * * *

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on the Amended Petition for Writ of Habeas Corpus & Complaint for Injunctive and Declaratory Relief (“Amended Petition”) filed by Petitioner Marcel Rivero Perez (“Perez”) challenging the U.S. Immigration and Customs Enforcement (“ICE”) Form I-220B Order of Supervision and associated conditions. [DE 11]. Respondents filed a Motion to Dismiss Petitioner’s Amended Petitioner [DE 14], Petitioner filed a response [DE 15], and Respondents filed a reply [DE 16]. This matter was referred to United States Magistrate Judge Lanny King for report and recommendation. [DE 17, DE 18]. Judge King entered his Report and Recommendation [DE 21] on February 3, 2026, recommending that the motion to dismiss be granted. The time for objections to the magistrate judge’s recommendation expired on February 17, 2026. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). Perez did not file objections and the time for doing so has passed. This matter is now ripe for adjudication. A district court may refer a motion to a magistrate judge for the preparation of a report and recommendation. 28 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b)(1). “A magistrate judge must promptly conduct the required proceedings . . . [and] enter a recommended disposition, including, if appropriate, proposed findings of fact.” Fed. R. Civ. P. 72(b)(1). This Court must “determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The Court need not review under a de novo or any other standard those aspects of the report and recommendation to which no specific objection is made and may adopt the findings and rulings of the magistrate judge to which no specific objection is filed Thomas v. Arn, 474 U.S.

140, 150, 155 (1985). Here, because no party has objected to the Report and Recommendation, the Court may accept it without review. See Thomas, 474 U.S. at 150, 155. Nevertheless, the Court has conducted its own review of the record and finds no error in the magistrate judge's findings and conclusions. Accordingly, and the Court being otherwise sufficiently advised, IT ORDERED as follows:

(1) The Report and Recommendation of the United States Magistrate Judge Lanny King, [DE 21], is ACCEPTED in whole and INCORPORATED by reference.

(2) A separate judgment shall issue this date.

United States District Court February 24, 2026 ce: Counsel of Record