

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

Sebastian Banda v. Warden J. Johnson

Banda · No. 5:25-CV-24-RWS-JBB · Decided March 19, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopted a magistrate judge’s report and recommendation concerning Sebastian Banda’s habeas petition challenging the computation of his sentence. Because no objections were filed, the court granted the respondent’s motion for summary judgment and dismissed the petition with prejudice.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Texarkana Division
WRITING FOR THE COURT	Robert W. Schroeder III
JURISDICTION	United States District Court for the Eastern District of Texas, Texarkana Division
DECIDED	March 19, 2026
DOCKET	5:25-CV-24-RWS-JBB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought federal habeas relief challenging the computation of his sentence. The magistrate judge recommended dismissal, and the district court adopted that recommendation, granted Respondent's motion for summary judgment, and dismissed the petition with prejudice.
STANDARD OF REVIEW	Because no objections were filed to the magistrate judge's report and recommendation, the district court applied clear-error, abuse-of-discretion, and contrary-to-law review rather than de novo review; unobjected-to factual findings and legal conclusions are subject to appellate review only for plain error.
PRECEDENTIAL VALUE	unpublished
PARTIES	Sebastian Banda v. Warden J. Johnson

TOPICS

federal habeas corpus

summary judgment

post-conviction relief

civil procedure

pleadings

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation when the petitioner filed no objections.
2. Whether Respondent was entitled to summary judgment and the petition for a writ of habeas corpus should be dismissed with prejudice.

HOLDINGS

1. When a party files no objections to a magistrate judge's report and recommendation, the district judge need not conduct de novo review of the challenged findings and conclusions and reviews the recommendation for clear error, abuse of discretion, or whether it is contrary to law.
2. The magistrate judge's report and recommendation was correct and was adopted as the opinion of the district court; Respondent's motion for summary judgment was granted, and the habeas petition was dismissed with prejudice.

KEY QUOTATIONS

“Accordingly, it is ORDERED that the Report and Recommendation of the Magistrate Judge (Docket No. 9) is ADOPTED as the opinion of the District Court.” (at 2)

“It is further ORDERED that Respondent’s motion for summary judgment (Docket No. 4) is GRANTED and the above-captioned petition for a writ of habeas corpus is DISMISSED WITH PREJUDICE.” (at 2)

FACTUAL BACKGROUND

Sebastian Banda, proceeding pro se, filed a federal habeas petition challenging the computation of his sentence. The magistrate judge recommended dismissal, and a copy of the recommendation was mailed to Banda at his last known address as identified through the Federal Bureau of Prisons' online inmate locator. No objections were received.

PROCEDURAL HISTORY

Banda filed a petition for a writ of habeas corpus concerning computation of his sentence. The matter was referred to Magistrate Judge J. Boone Baxter, who issued a report and recommendation on December 23, 2025, recommending dismissal. No objections were filed, so the district court reviewed the recommendation for clear error and adopted it, granting Respondent's motion for summary judgment and dismissing the petition with prejudice.

DISPOSITION

dismissed

CASES CITED

- *Faciane v. Sun Life Assurance Co. of Can.*, 931 F.3d 412, 420-21 & n.9 (5th Cir. 2019)
- *Duarte v. City of Lewisville*, 858 F.3d 348, 352 (5th Cir. 2017)
- *Arriaga v. Laxminarayan*, No. 4:21-CV-00203-RAS, 2021 WL 3287683, at *1 (E.D. Tex. July 31, 2021)
- *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION SEBASTIAN BANDA, § § Petitioner, § § v. § CIVIL ACTION NO.
5:25-CV-24-RWS-JBB § WARDEN J. JOHNSON, § § Respondent. § ORDER Petitioner
Sebastian Banda, proceeding pro se, filed the above-captioned petition for the writ of habeas
corpus complaining of the computation of his sentence.

Docket No. 1. The case was referred to the United States Magistrate Judge J. Boone Baxter in accordance with 28 U.S.C. § 636. After reviewing the pleadings, the Magistrate Judge issued a report and recommendation on December 23, 2025, recommending that the petition be dismissed. Docket No. 9 at 11. A copy of the Magistrate Judge's Report and Recommendation was sent to Petitioner at his last known, as ascertained through the Federal Bureau of Prisons' online inmate locator, but no objections have been received.

The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption arises that the letter reached its destination in the usual time and was actually received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Co. of Can.*, 931 F.3d 412, 420–21 & n.9 (5th Cir. 2019).

Because no objections to the Magistrate Judge's Report and Recommendation have been filed, Petitioner is barred from de novo review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court.

Duarte v. City of Lewisville, 858 F.3d 348, 352 (Sth Cir. 2017); *Arriaga v. Laxminarayan*, 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 and Recommendation of the Magistrate Judge is correct.

See *United States v. Wilson*, 864 F.2d 1219, 1221 (Sth Cir. 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 and Recommendation of the Magistrate Judge (Docket No. 9) is ADOPTED as the opinion of the District Court. It is further ORDERED that Respondent’s motion for summary judgment (Docket No. 4) is GRANTED and the above-captioned petition for a writ of habeas corpus is DISMISSED WITH PREJUDICE. So ORDERED and SIGNED this 19th day of March, 2026.

[Doherty LU Llrpectsr C2. ROBERT W. SCHROEDER III UNITED STATES DISTRICT JUDGE
Page 2 of 2