

**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

OPINION

Banda

PER CURIAM.

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. [Dohert LU Llrpectsr C2.

ROBERT W. SCHROEDER III

UNITED STATES DISTRICT JUDGE

Page 2 of 2