

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, CORPUS CHRISTI DIVISION**

Christopher Dale Havens v. Kleberg County, et al.

Civil Action No. 2:24-CV-00270 (S.D. Tex. Jan. 16, 2026) · No. 2:24-CV-00270 · Decided January 16, 2026

OPINION

Southern District of Texas ENTERED January 16, 2026 UNITED STATES DISTRICT COURT Nathan Ochsner, Clerk SOUTHERN DISTRICT OF TEXAS CORPUS CHRISTI DIVISION CHRISTOPHER DALE HAVENS, § Plaintiff, V.: CIVIL ACTION NO. 2:24-CV-00270 KLEBERG COUNTY, ef al., Defendants.: ORDER ADOPTING MEMORANDUM & RECOMMENDATION Before the Court is Magistrate Judge Jason Libby’s Memorandum and Recommendation (“M&R”).

(D.E. 20). The M&R recommends that the Court dismiss Plaintiff’s complaint with prejudice and impose a “strike” under 28 U.S.C. § 1915(g). *Jd.* at 4. Plaintiff filed written objections. (D.E. 23). When a party objects to the findings and recommendations of a magistrate judge, the district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C).

A party must point out with particularity any alleged errors in the magistrate judge’s analysis. *Pelko v. Perales*, No. 23-CV-00339, 2024 WL 1972896, at *1 (S.D. Tex. May 3, 2024) (Ramos, J.). Objections that merely re-urge arguments contained in the original briefing are not proper and will not be considered. *Edmond y. Collins*, 8 F.3d 290, 293 n.7 (Sth Cir.

1993). Moreover, “[f]rivolous, conclusive or general objections need not be considered by the district court.” *Battle v. U.S. Parole Comm’n*, 842 F.2d 419, 421 (Sth Cir. 1987) (citation and internal quotation marks omitted).

As to any portion for which no objection is filed, a district court reviews for clearly erroneous factual findings and conclusions of law. *United States v. Wilson*, 864 F.2d 1219, 1221 1/2 (5th Cir. 1989) (*per curiam*). Furthermore, having previously authorized district courts to expeditiously adopt a magistrate’s recommendation, *McGill v. Goff*, 17 F.3d 729, 731-32 (5th Cir.

1994) (permitting a district court to adopt a magistrate’s recommendation one day after receiving it and before objections were filed), the Fifth Circuit has also authorized district courts to adopt a magistrate’s recommendation without providing detailed analysis. See *Habets v. Waste Memt., Inc.*, 363 F.3d 378, 382 (Sth Cir. 2004) (affirming a district court’s two-sentence order adopting a magistrate’s recommendation for summary judgment).!

After considering Plaintiff's objections and reviewing the M&R de novo, the Court OVERRULES Plaintiff's objections, (D.E. 23), and ADOPTS the findings and conclusions of the M&R. (D.E. 20). Accordingly, the Court DISMISSES Plaintiff's complaint with prejudice, (D.E. 1), IMPOSES a "strike" under 28 U.S.C. § 1915(g), and INSTRUCTS the Clerk to send notice of this dismissal to the Manager of the Three Strikes List for the Southern District of Texas at Three_Strikes@txs.uscourts.gov.

The Court will enter a final judgment separately. ae UNITED STATES DISTRICT JUDGE Signed: Corpus Christi, Texas January (42026 ' Specifically, the Fifth Circuit stated that "because the magistrate here made only legal findings on a summary judgment motion, the district court was permitted to issue an abbreviated order adopting [the recommendation]." Habets, 363 F.3d at 382.

Although the M&R is at the complaint-screening stage and not summary judgment, the Court finds that the principles animating the Fifth Circuit's decision apply with equal force here: (1) "the record was available to the district court a full 20 days before the court issued its order"; (2) "the magistrate here made no involved findings of fact..."; (3) "the magistrate here provided a thorough analysis to support its recommendation"; and (4) "the district court had a complete record of the magistrate's proceedings." See *id.* (citations omitted).

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