

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
TEXAS, DALLAS DIVISION

Jewell Lee Thomas v. Director, TDCJ-CID

No. 3:24-cv-1757-N (BT) · No. No. 3:24-cv-1757-N (BT) · Decided February 6, 2026

SUMMARY

This Findings, Conclusions, and Recommendation addresses Jewell Lee Thomas’s 28 U.S.C. § 2254 petition challenging the revocation of his Texas community supervision and resulting DWI sentences. The magistrate judge recommends dismissal for lack of jurisdiction to the extent the petition is successive and unauthorized, or alternatively denial because the claims are not cognizable in habeas proceedings. The recommendation also advises denying Thomas’s motions to amend, for summary judgment, and related evidentiary motions.

CASE DETAILS

COURT	United States District Court for the Northern District of Texas, Dallas Division
WRITING FOR THE COURT	United States Magistrate Judge
JURISDICTION	United States District Court for the Northern District of Texas, Dallas Division
DECIDED	February 6, 2026
DOCKET	No. 3:24-cv-1757-N (BT)
DISPOSITION	other
PROCEDURAL POSTURE	Report and recommendation in a federal habeas action brought under 28 U.S.C. § 2254. The magistrate judge recommended dismissal for lack of jurisdiction to the extent the petition was successive, or alternatively denial for failure to state a cognizable habeas claim, along with denial of the petitioner's motions to amend, for summary judgment, and related motions.
STANDARD OF REVIEW	A successive § 2254 petition requires prior authorization from the appropriate court of appeals under 28 U.S.C. § 2244(b)(3)(A). Habeas relief is limited to challenges to the fact or duration of confinement; claims concerning conditions of confinement generally belong in a civil-rights action. The recommendation also applied the cognizability requirement that federal habeas review vindicates rights arising under

	federal law, and treated amendment and summary-judgment motions under futility and habeas-procedure principles.
PRECEDENTIAL VALUE	Unknown; report and recommendation from a federal district court magistrate judge, with no final adoption shown in the source.
PARTIES	Jewell Lee Thomas v. Director, TDCJ-CID

TOPICS

federal habeas corpus

successive petitions

post-conviction relief

civil rights

ada / disability

PRACTICE AREAS

federal habeas corpus

state post-conviction relief

civil rights

criminal procedure

disability rights

QUESTIONS PRESENTED

1. Whether the petition was an unauthorized successive habeas application under 28 U.S.C. § 2244(b).
2. Whether Thomas's ADA, Rehabilitation Act, Eighth Amendment, and Fourteenth Amendment claims were cognizable in a federal habeas proceeding.
3. Whether Thomas's claim that TDCJ violated its own policies stated a cognizable federal habeas claim.
4. Whether leave to amend should be denied as futile because the proposed claim had already been adjudicated in a prior habeas application.
5. Whether Thomas could properly obtain relief through a Rule 56 motion for summary judgment and related evidentiary motions in a § 2254 proceeding.

HOLDINGS

1. The magistrate judge recommended that, to the extent Thomas's petition was successive, it be dismissed without prejudice for lack of jurisdiction because Thomas had not obtained authorization from the Fifth Circuit and the claims did not satisfy the exceptions in 28 U.S.C. § 2244(b)(2).
2. The magistrate judge recommended dismissal of Claims 1, 3, and 4 because the asserted violations concerned medical care, access to care, or conditions of confinement and did not challenge the fact or duration of Thomas's confinement.
3. The magistrate judge recommended dismissal of Claim 2 because an alleged violation of TDCJ policy, without a violation of federal law, is not cognizable on federal habeas review.
4. The magistrate judge recommended denying leave to amend as futile because the proposed claim that the trial court abused its discretion in finding a probation violation had already been disposed of in a prior habeas proceeding.
5. The magistrate judge recommended denying Thomas's Rule 56 motion for summary judgment and denying related motions as moot because summary judgment is not a proper method for adjudicating a § 2254 petition and the habeas rules did not contemplate such a dispositive motion in these circumstances.

KEY QUOTATIONS

“A petition for a writ of habeas corpus is the appropriate means for a prisoner to challenge the fact or duration of his confinement.” (at 5)

“But ‘a motion for summary judgment is not a proper method of adjudicating a petition for a writ of habeas corpus.’” (at 8)

FACTUAL BACKGROUND

Thomas pleaded guilty to felony DWI in two separate Texas cases. His ten-year sentences were probated for six years subject to conditions including successful completion of a SAFP treatment program, but he was discharged for refusing to participate. The Texas trial court revoked his community supervision and imposed ten years' confinement, and the Texas Court of Appeals upheld the revocation after modifying the judgments on a time-served issue. Thomas subsequently filed multiple state and federal habeas applications challenging the convictions and revocation.

PROCEDURAL HISTORY

Thomas pleaded guilty to felony DWI in two Texas cases, received ten-year sentences that were initially probated, and later had his community supervision revoked after he was discharged from a required SAFP treatment program. The Texas Court of Appeals modified the judgments on a time-served issue but rejected Thomas's impossibility defense, and the Texas Court of Criminal Appeals refused discretionary review. After multiple state and federal habeas applications, including a prior federal application dismissed with prejudice, Thomas filed this petition asserting ADA, Rehabilitation Act, TDCJ-policy, Eighth Amendment, and Fourteenth Amendment theories. The magistrate judge issued this report and recommendation for dismissal or denial.

DISPOSITION

other

CASES CITED

- *Hardemon v. Quarterman*, 516 F.3d 272, 275 (5th Cir. 2008)
- *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973)
- *Jackson v. Johnson*, 475 F.3d 261, 263 n.2 (5th Cir. 2007)
- *Cook v. TDCJ Transitional Planning Department*, 37 F.3d 166, 168 (5th Cir. 1994)
- *Richardson v. Fleming*, 651 F.2d 366, 372 (5th Cir. 1981)
- *Spina v. Aaron*, 821 F.2d 1126, 1128 (5th Cir. 1987)
- *Manning v. Blackburn*, 786 F.2d 710, 711 (5th Cir. 1986)
- *Williams v. Federal District Court*, 2012 WL 1570768, at *2 (E.D. Tex. Mar. 16, 2012), rec. adopted, 2012 WL 1570407 (E.D. Tex. May 3, 2012)
- *Gordon v. Dir., TDCJ-CID*, 2018 WL 3060533, at *1 (E.D. Tex. Apr. 25, 2018), rec. accepted, 2018 WL 3046540 (E.D. Tex. June 19, 2018)

- Browder v. Director, Illinois Department of Corrections, 434 U.S. 257, 269 n.14 (1978)
- United States v. Hurley, 2005 WL 1473828, at *1 n.5 (N.D. Tex. 2005)
- Brown v. Dir., TDCJ-CID, 2024 WL 5098507, at *1 (E.D. Tex. Aug. 4, 2024), rec. accepted, 2024 WL 5098050 (E.D. Tex. Dec. 12, 2024)
- Thomas v. State, No. 05-21-00471-CR, 2022 WL 3500007, at *1-3 (Tex. App. Aug. 18, 2022)
- Thomas v. Dir., TDCJ-CID, No. 3:23-cv-468-X-BN, 2023 WL 10449089, at *1-2 (N.D. Tex. Dec. 20, 2023), rec. adopted, 2024 WL 1195796 (N.D. Tex. Mar. 19, 2024)
- Thomas v. Dir., TDCJ-CID, No. 3:23-cv-1547-L-BN, 2024 WL 945863, at *1-4 (N.D. Tex. Jan. 23, 2024), rec. adopted, 2024 WL 947459 (N.D. Tex. Mar. 5, 2024)
- Schindler v. Warden, FCI Beaumont, 2020 WL 5505441, at *1 (E.D. Tex. Sept. 10, 2020)
- Newton v. Davis, 2018 WL 3559148 (N.D. Tex. June 20, 2018), rec. accepted, 2018 WL 3549100 (N.D. Tex. July 24, 2018)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1417 (5th Cir. 1996)

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