

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

JOHN A. REGALADO §
v. § CIVIL ACTION NO. 6:13cv926
KENNETH REYNOLDS, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff John Regalado, proceeding *pro se*, filed this lawsuit under 42 U.S.C. §1983. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Regalado's complaint concerns the custody and care of his daughter Crystal Reynolds, and asks for the "legal right to see and know through visitation his daughter," or in the alternative, that all of his ex-wife's husband's assets be liquidated and paid to Regalado.

After review of the pleadings, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed for lack of subject matter jurisdiction. The Magistrate Judge observed that federal courts do not intervene in matters involving domestic relations and will not hear suits for divorce, alimony, child custody or visitation rights, suits to establish paternity and for child support, and actions to enforce separation or divorce decrees still subject to state court modification. Thus, the Magistrate Judge stated that the federal court lacks jurisdiction over the dispute between Regalado and his ex-wife over the custody and visitation rights over their daughter.

A copy of the Magistrate Judge's Report was sent to Regalado at his last known address, return receipt requested, but no objections have been received; accordingly, Regalado 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. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (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."). It is accordingly

ORDERED that the Report of the Magistrate Judge (Docket No. 7) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED for want of subject matter jurisdiction. Such dismissal is with prejudice as to the refiling of this lawsuit in federal court, but without prejudice as to Regalado's right to seek visitation or custody rights through the courts of the State of Texas. It is further

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 14th day of April, 2014.



**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**