

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

GERALD B. WILSON,

Plaintiff,

v.

No. 5:20-CV-267-H

TEXAS CIVIL COMMITMENT
CENTER FACILITY DIRECTOR,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Gerald B. Wilson filed this motion for a temporary restraining order or preliminary injunction, alleging ongoing violations of civil rights resulting from his facility's COVID-19 restrictions. Dkt. No. 1. On December 22, 2020, United States Magistrate Judge D. Gordon Bryant recommended that the Court deny Wilson's motion without prejudice to his right to request injunctive relief in the future should circumstances change. Dkt. No. 15. Wilson filed his objections to Judge Bryant's report and recommendation on January 12, 2021.¹ Dkt. No. 16. After conducting a de novo review of the relevant filings, along with Wilson's objections, the Court finds that the objections should be overruled.

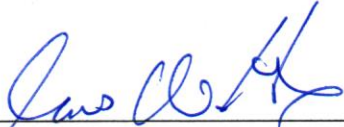
Each of Wilson's six objections are either restatements of arguments made in his Original Complaint (Dkt. No. 1), arguments thoroughly addressed by Judge Bryant's report

¹ The Court notes that Wilson filed his objections after the 14 days deadline. The Fifth Circuit has stated that "district courts need not consider late objections" to a report and recommendation. *Scott v. Alford*, No. 94-40486, 1995 WL 450216, at *2 (5th Cir. July 6, 1995). Therefore, it is within the discretion of the Court whether to consider late-filed objections. See *Loredo v. Barnhart*, 210 F. App'x 417, 418 n.1 (5th Cir. 2006) (quoting *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988)). Nevertheless, the Court finds that consideration of Wilson's late objections is in the interest of justice.

and recommendation, or mere disagreements with Judge Bryant's wording. "The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to." Fed. R. Civ. P. 72(b)(3); *see* 28 U.S.C. § 636(b)(1). In contrast, the district judge reviews any unobjected-to proposed findings, conclusions, and recommendations for plain error.²

The Court has examined the record and reviewed the unobjected-to portions of the report and recommendation for plain error and finds none. Furthermore, the Court has made a de novo review of the relevant portions of the report and recommendation. The Court overrules the objections and accepts the report and recommendation of the United States Magistrate Judge. Accordingly, Wilson's request for injunctive relief is denied.

So ordered on March 11, 2021.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE

² *Portwood v. Schneider & McKinney P.C.*, No. 3:20-CV-03344-X, 2020 WL 7056302, at *1 (N.D. Tex. Dec. 2, 2020) (Starr, J.) ("The Court reviews de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviews the remaining proposed findings, conclusions, and recommendation for plain error.").