

United States District Court
Southern District of Texas

ENTERED

January 07, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

PATRICK LEONEL SHUMAKER,

Plaintiff,

VS.

ALONZO VILLARREAL, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:24-CV-162

ORDER ADOPTING REPORT AND RECOMMENDATION

In November 2024, Plaintiff Patrick Leonel Shumaker filed this lawsuit against Defendants Alonzo Villarreal and Hector Villarreal for alleged harassment and intimidation in response to Shumaker reporting alleged violations of Occupational Safety and Health Administration regulations. Shumaker initially alleged claims under 18 U.S.C. § 2333 and 18 U.S.C. § 1514. (Compl., Doc. 1) A United States Magistrate Judge found the Complaint deficient to state a claim for relief and ordered Shumaker to file an amended pleading. (Order, Doc. 8) Shumaker filed an Amended Complaint, alleging claims solely under 42 U.S.C. § 1983. (Am. Compl., Doc. 10)

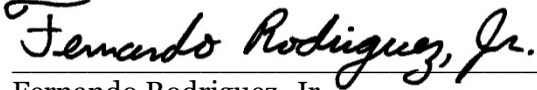
A Magistrate Judge, reviewing Shumaker’s claims under Section 1983, and based on the record and the applicable law, recommends that the Court dismiss the causes of action without prejudice for lack of subject matter jurisdiction. (R&R, Doc. 17)

No party filed objections to the Report and Recommendation, and the Court finds no clear error within it. *See* FED. R. CIV. P. 72(b), Advisory Comm. Note (1983) (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 17). It is:

ORDERED that Plaintiff Patrick Leonel Shumaker's causes of action under 42 U.S.C. § 1983 are **DISMISSED WITHOUT PREJUDICE**.

Signed on January 7, 2025.



Fernando Rodriguez, Jr.
United States District Judge