

United States District Court  
Southern District of Texas

**ENTERED**

November 15, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

PAUL ALLEN YOUNG,

Plaintiff,

V.

CITY OF ROCKPORT, *et al.*,

Defendants.

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CIVIL ACTION NO. 2:23-CV-00089

**ORDER ADOPTING MEMORANDUM & RECOMMENDATION**

Before the Court is Magistrate Judge Julie Hampton’s Memorandum and Recommendation (“M&R”). (D.E. 18). The M&R recommends that the Court:

- **DISMISS** with prejudice Plaintiff’s false arrest and false imprisonment claims against the City of Rockport, the City of Aransas Pass, and Aransas County as frivolous until such time as Plaintiff satisfies the conditions set forth in *Heck*;
- **DISMISS** with prejudice Plaintiff’s claims against Burns, Vanmeador, Solis, Aradt, Pena, and Browning in their individual capacities—arising from their conduct in denying Plaintiff addresses or providing wrong addresses—as frivolous or for failure to state a claim upon which relief can be granted; and
- **DISMISS** with prejudice Plaintiff’s municipal liability claims against Aransas County—arising from [Aransas County Detention Center (“ACDC”)] officials denying Plaintiff addresses or providing wrong addresses—as frivolous or for failure to state a claim upon which relief can be granted.

*Id.* at 18. The M&R also recommends that the Court count this dismissal as a **strike** pursuant to 28 U.S.C. § 1915(g). *Id.*

The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge’s M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge’s M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam); *Badaiki v. Schlumberger*

*Holdings Corp.*, 512 F. Supp. 3d 741, 743–44 (S.D. Tex. 2021) (Eskridge, J.).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R. (D.E. 18). Accordingly, the Court **ORDERS** the following:

- (1) Plaintiff's false arrest and false imprisonment claims against the City of Rockport; the City of Aransas Pass; and Aransas County are **DISMISSED with prejudice** to their being asserted again until the *Heck v. Humphrey*, 512 U.S. 477 (1994) conditions are met. (D.E. 1; D.E. 12).
- (2) Plaintiff's claims against ACDC Officers Burns; Vanmeador; Solis; Aradt; Pena; and Browning in their individual capacities—arising from their conduct in denying Plaintiff addresses or providing wrong addresses—are **DISMISSED with prejudice** as frivolous or for failure to state a claim upon which relief can be granted. (D.E. 1; D.E. 12).
- (3) Plaintiff's municipal liability claims against Aransas County—arising from ACDC officials denying Plaintiff addresses or providing wrong addresses—are **DISMISSED with prejudice** as frivolous or for failure to state a claim upon which relief can be granted. (D.E. 1; D.E. 12).
- (4) This dismissal shall **COUNT** as a **STRIKE** for purposes of 28 U.S.C. § 1915(g). The Clerk of Court is **INSTRUCTED** 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](mailto:Three_Strikes@txs.uscourts.gov).

SO ORDERED.



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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas  
November 15<sup>th</sup>, 2023