

United States District Court
Southern District of Texas

ENTERED

December 05, 2017

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BANG-ER SHIA,

Plaintiff,

v.

DANA JAMES BOENTE, *et al.*,

Defendants.

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CIVIL ACTION H-17-1255


ORDER

Pending before the court is a memorandum and recommendation (“M&R”) entered by Magistrate Judge Nancy Johnson on November 16, 2017. Dkt. 21. Defendants United States Attorney Dana James Boente, Assistant United States Attorney Ayana Niambi Free, United States District Judge Anthony John Trenga, United States Magistrate Judge Michael S. Nachmanoff, and the United States District Court for the Eastern District of Virginia (collectively, “Defendants”) moved to dismiss. Dkt. 16. Plaintiff Dr. Bang-er Shia responded. Dkt. 17.

The M&R recommends dismissing Shia’s claims (Dkt. 1) against the United States District Court for the Eastern District of Virginia for lack of subject matter jurisdiction. Dkt. 21 at 13. The M&R also recommends dismissing Shia’s claims against Judge Trenga, Judge Nachmanoff, Boente, and Free on sovereign immunity grounds. *Id.* at 14. Further, the M&R recommends dismissing the claims against the Defendants sued in their individual capacities for lack of personal jurisdiction. *Id.* at 15. Finally, the M&R recommends dismissing all claims against Judges Trenga and Nachmanoff, in both their individual and official capacities as United States Judges, on the grounds of absolute judicial immunity. *Id.* at 17. Shia did not object to the M&R.

After reviewing the M&R, the motion to dismiss, the response, and the applicable law, the court agrees with the Magistrate Judge that Shia's claims should be dismissed. The court finds no clear error on the face of the record. Fed. R. Civ. P. 72(b), Advisory Comm. Note (1983). Accordingly, the M&R (Dkt. 21) is ADOPTED IN FULL, Defendants' motion to dismiss (Dkt. 16) is GRANTED, and Shia's claims (Dkt. 1) are DISMISSED WITHOUT PREJUDICE. The court will enter a final judgment consistent with this order.

Signed at Houston, Texas on December 5, 2017.



Gray H. Miller
United States District Judge