

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

MARIO HERNANDEZ ESCALANTE,

Plaintiff,

v.

KRISTI NOEM, TODD M. LYONS, NIKITA
BAKER,

Defendants.

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CIVIL ACTION NO. 9:25-CV-00182-MJT

REPORT AND RECOMMENDATION

Petitioner, Mario Hernandez Escalante, is currently detained by Immigration and Customs Enforcement (ICE) at IAH, an ICE adult detention holding facility located in Livingston, Texas. A petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is currently on file in this district challenging this detention. The above-styled action was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and the Local Rules for the Assignment of Duties to the United States Magistrate Judge for findings of fact, conclusions of law, and recommendations for the disposition of the case.

BACKGROUND

Petitioner is a native of El Salvador. On August 10, 2018, he was apprehended by ICE and a prior order of removal was reinstated prompting him to claim a fear of returning to El Salvador. He was ordered removed from the United States in 2019 but was then granted protection on December 12, 2019, from that removal under the U.N. Convention Against Torture ("CAT"). (Doc. #1-2.) A "Decision to Continue Detention" was signed on January 16, 2020, stating that he was a risk of flight and danger to the community based upon his criminal history of illegal reentries, assault, and DUI. (Doc. #14-3.) On February 14, 2020, he was released from detention and placed

on supervised release with ICE. (Doc. #26.) Petitioner contends that his 90-day removal period began on December 12, 2019, and ended on March 11, 2020. While on release in Maryland, the Petitioner got married and had two children.

Despite his alleged compliance with his terms of supervision, on June 3, 2025, ICE arrested the Petitioner when he arrived to report to his supervision officer for a scheduled check-in. He was originally detained in Baltimore, Maryland. The warrant and warning dated June 3, 2025, states that Petitioner is subject to removal under section 212 of the Immigration and Nationality Act for having been convicted of a crime designated as an aggravated felony. (Docs. #14-1, #14-2.) Respondent's briefing indicates that Petitioner has two convictions for driving under the influence, a felony simple assault on an officer, and illegal reentry all committed prior to his 2019 CAT Withholding Order and release on supervision. (Doc. #10, at 4.) Since the CAT Order, Petitioner was convicted again of driving under the influence on February 17, 2022, and for violating his probation in Virginia on March 24, 2022, for which he served two years and six months. (*Id.*) During his supervision this year, the Petitioner was placed on an ankle monitoring device presumably due to his most recent convictions. (Doc. #6.)

Respondents produced as an exhibit to their response a "Notice of Revocation of Release" that was given to the Petitioner and dated June 3, 2025, but it contained typographical errors. (Doc. #12-1.) It stated that his release was being revoked because there were "changed circumstances" and it stated that he was previously ordered to be removed to any country other Honduras and his case was under review by El Salvador for issuance of travel documents. (*Id.*) Petitioner was actually ordered to be removed to any other country other than El Salvador—not Honduras, and his case was under review by Mexico—not El Salvador, as stated in subsequent corrected notices. The date of removal listed was also incorrect.

On June 5, 2025, at 3:15 p.m., ICE transferred the Petitioner from ICE custody in Baltimore to the ICE facility in Livingston, Texas, arriving at 9:00 p.m. (Doc. #4-1.) Not knowing this information, his counsel filed his habeas petition in the District of Maryland at 2:25 a.m. on June 6, 2025. (*Id.*) On June 10, 2025, the Maryland court issued a briefing order directing the Respondent to file a Response to the Petitioner with relevant records, and Petitioner was to file a Response to the Respondent's Motion to Dismiss for Lack of Jurisdiction, both due on June 16, 2025. (Doc. #9.) The court also held a hearing on these matters, as well as the merits of the Petitioner's detention, on June 23, 2025.¹ (Doc. #16.)

On June 16, 2025, Petitioner was served with an updated Notice of Revocation of Release again stating that there were "changed circumstances" in his case and he can be expeditiously removed to Mexico. (Doc. #15-1.) The notice contains no allegation that Petitioner violated a condition of supervision. It also states that his case is under current review by Mexico for issuance of a travel document. (*Id.*) This notice further states that he is in custody pursuant to 8 C.F.R. 241.4/8 C.F.R. 241.13 and will be afforded an informal interview and given opportunity to respond to the reasons for revocation with evidence. (*Id.*) If not released, it states that he will receive a new review within three months of the date of this notice. (*Id.*)

On June 18, 2025, Petitioner was served with a Notice of Removal indicating that U.S. Immigration and Customs Enforcement intends to remove him to Mexico. (Doc. #15-2.) This notice states that it was read to the Petitioner in English.² On June 25, 2025, the District of Maryland transferred jurisdiction of this case to this district, the Eastern District of Texas. (Doc.

¹ Because the parties agreed to argue the merits of the case in Maryland, this court listened to the audio of that hearing but did not hold another evidentiary hearing. This court did, however, request that the parties provide a status update to the court. (Doc. #24.) The Petitioner filed an update. (Doc. #29.) The Respondents did not.

² The Petitioner's sister filed an affidavit with the court stating that the Petitioner does not speak English. (Doc. #6.)

#18.); *Hooker v. Sivley*, 187 F.3d 680, 682 (5th Cir. 1999) (finding a § 2241 petition must be filed in the district where the petitioner is incarcerated.).

DVD CLASS ACTION

In *DVD*, the court granted a nationwide class action regarding the notice procedures that should be given to non-citizens who have a final order of removal issued under the INA and whom DHS has deported or will deport on or after February 18, 2025, to a country not previously designated as the country or alternative country of removal or not identified in writing in the prior proceedings as a country to which the individual would be removed. *DVD v. DHS*, No. 25-10676, 2025 WL 1142968, *11 (D. Mass. April 18, 2025).

Respondents assert that the instant case should be dismissed because Petitioner is a member of the non-opt out class action in *DVD* or, in the alternative, the court should at least stay this case pending resolution of the *DVD* case. (Doc. #10, at 8-10.) Respondents also state that Petitioner is seeking the same relief as the class members. (*Id.*) However, *DVD* was not filed as a section 2241 habeas case requesting release by the non-citizens. *DVD*, 2025 WL 1142968, *1. Instead, that class action only seeks declaratory and injunction relief to establish notice procedures for the class members. *Id.* The request for a structured notice plan is based upon the President's January 20, 2025 Executive Order, DHS's February 18, 2025 Directive, and DHS's March 30, 2025 Guidance, which dictate third country removal without notice or an individualized inquiry if the United States has received assurances from that country that aliens removed there will not be persecuted or tortured. *Id.* at *3-4.

Here, however, the parties have not pointed the court to the Executive Order, Directive or Guidance as a basis for Petitioner's removal. Further, Respondents have given Petitioner notice of the third country to which it seeks to remove him to, albeit not one that he is amenable to, and

have presumably instituted revocation proceedings pursuant to the regulations. Finally, the Petitioner here seeks release from detainment, a relief not addressed in the *DVD* class action. See *E.D.Q.C. v. Warden, Stewart Det. Ctr.*, No. 4:25-CV-50-CDL-AGH, 2025 WL 1575609, at *5 (M.D. Ga. June 3, 2025) (While there is some overlap of the legal issues involved, *D.V.D.* is not a habeas action and release from custody is not one of the remedies requested . . . In contrast, Petitioner's habeas petition is—at its core—a request for relief from prolonged post-final order of removal detention pursuant to *Zadvydas*). Consequently, the undersigned recommends denying Respondent's request for dismissal and stay of the case pending resolution of *DVD* and will now address the merits of this case as it applies only to the Petitioner's request for release from detainment.

JURISDICTION

As an initial matter, the Respondents argue that this court lacks subject matter jurisdiction to handle this case according to statutes under the Immigration and Nationality Act. (Doc. #10.) Specifically, they cite 8 U.S.C. § 1252(g), which bars court review of decisions by ICE to execute removal orders. Section 1252(g) of the Illegal Immigration Reform and Immigration Responsibility Act states:

Except as provided in this section and notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of Title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to hear any cause or claim by or on behalf of any alien arising from the decision or action by the Attorney General to commence proceedings, adjudicate cases, or execute removal orders against any alien under this chapter.

8 U.S.C. § 1252(g). The United States Supreme Court has specifically rejected the idea that section 1252(g) strips federal courts of jurisdiction over habeas challenges to present immigration confinement. *Zadvydas v. Davis*, 533 U.S. 678 (2001). The Court held that 28 U.S.C. § 2241 confers jurisdiction to challenge detention that is without statutory authority, as well as

constitutional challenges to post-removal-period detention.. *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001); *see also Virani v. Huron*, No. SA-19-CV-00499-ESC, 2020 WL 1333172, at *1 (W.D. Tex. Mar. 23, 2020) (“Federal courts have jurisdiction, however, to adjudicate claims challenging the constitutionality of an alien’s continued detention.”) (citing *Gul v. Rozos*, 163 F. App’x 317, 2006 WL 140540, at *1 (5th Cir. 2006)).

It is not disputed that this court does not have jurisdiction over the Petitioner’s actual removal proceedings. Here, however, the Petitioner is not asking this court to prevent his removal to a third country, but instead to release him from detention and put him back on supervised release pending resolution by the immigration court as to what third country he can be removed to without persecution or torture. Petitioner also alleges that the procedures for revoking his release were not properly followed and cites to *Cordon-Salguero v. Noem*, where the court found that the Respondents failed to follow the regulations in revoking the petitioner’s immigration supervised release and therefore its actions were unlawful according to the *Accardi* doctrine. No. 1:25-CV-1799, ECF 17-1, at 11 (D. Md. June 24, 2025).

In *Accardi v. Shaughnessy*, the Supreme Court considered a deportation case in which the Board of Immigration and the DOJ failed to follow their own established procedures and therefore effectively denied due process to the petitioner. 347 U.S. 260, 268 (1954). The Fifth Circuit has likewise recognized that an agency’s violation of its regulations may support a procedural due process claim. *Ayala Chapa v. Bondi*, 132 F.4th 796, 799 (5th Cir. 2025) (citing *Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)). Consequently, recognizing the court has jurisdiction, the court will turn to evaluation of the Petitioner’s due process claim and his alleged resulting unlawful detention.

DETENTION

Respondents state in their response that Petitioner is being detained pursuant to 8 U.S.C. § 1231(a)(6), and also in accordance with the United States Supreme Court opinion in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which holds that post-removal-period detention of six months is presumptively reasonable to allow the United States to effectuate removal. (Doc. #10, at 4.) Thus, they allege, the Petitioner's detainment since June 3, 2025, is well within that time frame and his claim is premature at this time. They also state there is a regulatory basis for detention under 8 C.F.R. §§ 241.4 and 241.13 due to revocation of his conditions of release.

Petitioner argues in response that the presumptive six-month period in *Zadvydas* has expired thereby shifting the burden to the Government to establish a "significant likelihood that the petitioner will be removed within the reasonably foreseeable future." In addition, Petitioner argues that the regulations for detention due to revocation were not complied with, including improper notice by an improper authority and delay in affording him an interview to contest Mexico as a third country for removal.

1. Authority to Revoke Release

Petitioner argues several errors in the notices submitted by the Respondent. The first notice dated June 3, 2025, contained several typographical errors (listing the incorrect countries and incorrect removal date) and was unsigned but had a signature block for Acting Field Office Director (FOD), Nakita Baker. (Doc. #12-1.) The second notice again had the incorrect removal date and was unsigned and had no certificate of service. (Doc. #12-2.) The third notice, dated June 16, 2025, has the correct information but was signed by a SDDO, Supervisory Detention and Deportation Officer. (Doc. 15-1.)

Petitioner alleges that these notices appear to be *ultra vires*—done without the proper authority to revoke the Petitioner’s release—because Vernon Liggins *may have been* Acting Field Office Director on June 3, 2025, instead of Nikita Baker. (Doc. #14, at 6.) Respondent alleges that ICE’s Baltimore (A)FOD issued the written notice to Petitioner but does not specify that person’s name. (Doc. #10, at 16.)

An article dated March 28, 2025, indicates that Matthew Elliston stepped down as FOD to be promoted to deputy assistant director of field operations at ICE headquarters in Washington, and Nikita Baker stepped in as the Interim FOD until the position could be filled. See <https://www.thebaltimorebanner.com/community/local-news/ice-trump-maryland-new-field-director-cooperation-agreements-UZCWHPMOX5H37CBWDYZF6CDXCM/> (last visited July 9, 2025). As of May 29, 2025, Nikita Baker was still acting FOD. See <https://www.wbal.com/ices-acting-maryland-director-emphasizes-public-safety-criticizes-local-policies> (last visited July 9, 2025). It appears that Vernon Liggins became the FOD sometime thereafter in June 2025 as indicated by the June 10, 2025, article cited by the Petitioner. Because the court finds other grounds upon which to recommend to the district court that it grant the Petitioner’s petition, the court will assume Nikita Baker was acting FOD and had the proper authority to sign the notices in this case.

2. Change in Circumstances and Significant Likelihood of Removal

In *Zadvydas*, the Court held that section 1231(a)(6)³ authorizes detention only for a period reasonably necessary to bring about the noncitizen’s removal from the US, and six months of post-removal detention is considered “presumptively reasonable.” 533 U.S. at 701. The Court outlined

³ *Zadvydas* was subject to removal due to aggravated felony convictions and a controlled substance conviction. He was born in Germany at a displaced person camp. After ordering his removal to Germany, Germany informed INS that he was not a German citizen and it would not accept him, and Lithuania likewise refused to accept him because he was neither a citizen nor a permanent resident of Lithuania. *Zadvydas v. Davis*, 285 F.3d 398, 400 (5th Cir. 2002).

a process whereby the noncitizen bears the burden of proving unreasonableness of detention during the six-month window. *Id.* Thereafter, if there is good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the burden shifts to the Government to justify continued detention. *Id.* The Supreme Court remanded the case back to Fifth Circuit to apply this new standard. *Id.*

On remand, the Fifth Circuit found that Zadvydas provided good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future and that INS had not rebutted that showing, so the district court's judgment ordering that Zadvydas be released was affirmed. *Zadvydas v. Davis*, 285 F.3d 398, 404 (5th Cir. 2002). The court noted that the order of release "shall not of itself preclude the *INS from seeking to return Zadvydas to INS custody* (if that be otherwise shown to be appropriate) upon a showing that, on the basis of matters transpiring after the decision of the court, there has then become a substantial likelihood of removal in the reasonably foreseeable future" or INS seeks a modification of the conditions of his release based upon some material change. *Id.* (emphasis added).

In our present case, we have a unique situation of "re-detainment" as contemplated by the Fifth Circuit when it released Zadvydas. Petitioner has a final order of removal and received withholding of that removal based upon CAT protection over six years ago. He was released in 2020 by INS on an order of supervised release pursuant to 8 C.F.R. § 241.13 because there was good reason to believe there was no significant likelihood of removal to another country in the reasonably foreseeable future. Now, five years later, he has been "re-detained" due to "changed circumstances."⁴ (Docs. #10-1, #15-1.) The only alleged circumstance is that "his case is under current review by Mexico for the issuance of a travel document." (*Id.*) In addition, Respondent

⁴ The notices provided do not indicate that he has violated a condition of his supervised release.

provided as an exhibit a “Notice of Removal” dated June 18, 2025, indicating that ICE intends to remove Petitioner to Mexico. As indicated by the Fifth Circuit, upon return to custody, it is now up to INS to show that there is a substantial likelihood of removal to Mexico in the reasonably foreseeable future.

Moreover, 8 C.F.R. § 241.4(b)(4) states that after release under section 241.13, “*if the Service subsequently determines, because of a change of circumstances, that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future to . . . a third country, the alien shall again be subject to the custody review procedures under this section.*” Subsection l of this regulation provides that upon revocation, the alien is afforded an “initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.4(l). Thereafter, a records review is done, and an interview is scheduled “within approximately three months after release is revoked.” *Id.* Section 241.13(i) entitled “Revocation of Release” also states that an alien’s release may be revoked and he may be returned to custody on account of “changed circumstances” if there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.

Here, the notices given to the Petitioner state that reason for revocation is “changed circumstances” and removal to Mexico. The court disagrees with the Respondent’s position that Petitioner’s petition is premature because the six-month presumptive period of detainment starts anew upon revocation. *See Nguyen v. Hyde*, No. 25-cv-11470, 2025 WL 1725791 (D. Mass. June 20, 2025) (finding *Zadvydus* 6-month presumption not applicable where alien is “re-detained” after having been on supervised release and that respondents failed to meet their burden to show a substantial likelihood of removal is now reasonably foreseeable); *Tadros v. Noem*, No. 25-cv-4108, 2025 WL 1678501 (D. N.J. June 13, 2025) (finding 6-month presumption had long lapsed while

petitioner was on supervised release and it is respondent's burden to show removal is now likely in the reasonably foreseeable future). Therefore, the question is whether the Respondents have shown that there is a substantial likelihood of removal to Mexico in the reasonably foreseeable future. According to the above regulations and ICE's own notices citing to the same regulations, the burden is on the Respondents to make the required showing. The next question is at what point can the court review ICE's determination of changed circumstances.

In *Hoac*, a California court denied a temporary restraining order to a Vietnam refugee who was on supervised release then re-detained due to "changed circumstances." *Hoac v. Becerra*, No. 2:25-cv-1740, 2025 WL 1808697 (E.D. Cal. June 30, 2025). The court held that it could not make the initial individualized factual finding that a "changed circumstance" had occurred because that would interfere with the Executive Branch's authority under the regulation. *Id.* at *3 (citing *Kong v. United States*, 62 F.4th 608, 620 (1st Cir. 2023)⁵). "Instead, the court is only authorized to review ICE's initial determination of re-detainment in light of the factors set out in section 241.13(f)." *Id.* Those factors include: 1) history of the alien's efforts to comply with removal order; 2) history of the Service's efforts to remove aliens to the country in question; 3) ongoing nature of the Service's efforts to remove this alien and the alien's assistance; 3) reasonably foreseeable results of those efforts; and 4) the views of the Department of State regarding the prospects for removal of aliens to the country in question. 8 C.F.R. § 241.13(f).

In *Nguyen v. Hyde*, the court considered a Petitioner's section 2241 request for release under similar circumstances. 2025 WL 1725791 (D. Mass. June 20, 2025). Nguyen was ordered removed to Vietnam in 1992 but was placed on supervision due to the lack of a repatriation

⁵ "The plain language of the regulation, however, does not allow a court in the first instance to make the required individualized finding. To the extent ICE claims that it made such a determination, the court should review that claim in light of the regulations instructing ICE on how it should make such a determination." *Kong*, 62 F.4th at 620 (citing 8 C.F.R. § 241.13(f)).

agreement at the time between the United States and Vietnam. *Id.* at *1. In 2020, the U.S. and Vietnam signed a Memorandum of Understanding to facilitate the return of Vietnam citizens. *Id.* at *2. Five years later, in March 2025, Nguyen was detained by ICE, and the Respondents asserted a change in circumstances per the regulation and argued for his removal to Vietnam. *Id.* at *3. The court cited to *Kong* and found that the question was ripe for court review because ICE had made a determination of changed circumstances—there was now a significant likelihood of removal to Vietnam. *Id.* The court held that respondents failed to meet their burden because of the five-year gap between the repatriation agreement and his detention; the lack of information presented that Nguyen is eligible under that memorandum; and the lack of concrete steps taken by ICE to process his travel documents failed to show a significant likelihood of removal. *Id.* at *3-4. Thus, the court found Respondents failed to comply with its own regulations—8 C.F.R. § 241.13—so his detention was unlawful, and release was appropriate. *Id.* at *5.

In *Liu v. Carter*, a district court in Kansas found that a noncitizen's re-detention was unlawful because officials failed to grant the petitioner the required interview under section 241.13 and there was no evidence of "changed circumstances" that could have led officials to determine that there was a significant likelihood that petitioner would be removed to China in the reasonably foreseeable future, as required by law to justify a revocation of release. *Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1696526, at *2 (D. Kan. June 17, 2025). The court noted that a bare assertion that an increase in removals to China as the necessary "changed circumstances," did not make petitioner's removal any more likely without addressing the particular obstacles to the many past failed attempts to remove him, namely the lack of proper documentation for petitioner. *Id.* at *2-3.

In this case, Respondents have indicated that the changed circumstances are the Petitioner's removal to a third country, Mexico. Therefore, the court may review this determination per *Zadvydas*. Respondents allege in the Response that there is a significant likelihood of removal in the reasonably foreseeable future because there is an order of removal; ICE has issued an Updated Notice of Revocation of Release; and Petitioner's case is under current review by Mexico for the issuance of a travel document. (Doc. #10, at 12-13.) At the hearing on June 23, 2025, in Maryland, over the jurisdiction and merits of this case, counsel for the Respondents merely stated that the government is working on the process of removal with Mexico. No documents have been provided to the court regarding any communications with Mexico regarding the Petitioner's removal.

These conclusory statements (both in the Response and at the hearing) without evidence do not pass muster. "A remote possibility of an eventual removal is not analogous to a significant likelihood that removal will occur in the reasonably foreseeable future." *Kane v. Mukasey*, No. CV B-08-037, 2008 WL 11393137, at *5 (S.D. Tex. Aug. 21, 2008), *superseded by*, 2008 WL 11393094 (S.D. Tex. Sept. 12, 2008) (a new report and recommendation was entered denying the petition as moot because petitioner was deported prior to the order adopting), *R & R adopted*, 2008 WL 11393148 (S.D. Tex. Oct. 7, 2008). In *Kane*, the court noted that "no clear guidance exists to aid courts in making the determination as to whether significant likelihood of removal in the reasonably foreseeable future exists. Ultimately, determining what the 'reasonably foreseeable future' really is, is a factual determination to be undertaken by the habeas court looking into the circumstance and detention length of each individual petitioner." *Id.*

In addition, the court ordered the parties in this case to file a status update by July 7, 2025. (Doc. #24.) The Respondents chose not to file a status report. Therefore, the court can only assume that is because they do not have any further information as to the Petitioner's potential removal to

Mexico. Consequently, the undersigned finds that the Respondents have not met their burden. There is no information, much less evidence, indicating ICE's efforts to remove aliens to Mexico as a third country or any concrete information regarding its efforts to remove the Petitioner to Mexico other than "documents are under review." There is no indication that Mexico is willing to accept Petitioner. Moreover, Petitioner has indicated that he has requested a "reasonable fear" interview objecting to Mexico as a viable third country for removal due to his brother's death there. As a result, the court finds there is not a significant likelihood of removal to Mexico in the reasonably foreseeable future.

RECOMMENDATION

For the reasons discussed herein, this court recommends that the Petition for a writ of habeas corpus be GRANTED and Respondents should be ORDERED to release Petitioner upon the district court's order adopting this report and recommendation subject to an order of supervision in accordance with 8 C.F.R. § 241.5, including the continued use of an ankle monitoring device. The court further recommends that Respondent's Motion to Dismiss or Stay (doc #10) this case pending resolution of the *DVD* class action case be DENIED.

OBJECTIONS

Pursuant to 28 U.S.C. § 636(b)(1)(c), each party to this action has the right to file objections to this report and recommendation. Objections to this report must: (1) be in writing, (2) specifically identify those findings or recommendations to which the party objects, and (3) be served and filed within fourteen (14) days after being served with a copy of this report. *See* 28 U.S.C. § 636(b)(1)(c) (2009); FED. R. CIV. P. 72(b)(2). A party who objects to this report is entitled to a *de novo* determination by the United States district judge of those proposed findings and recommendations to which a specific objection is timely made. *See* 28 U.S.C. § 636(b)(1) (2009);

FED R. CIV. P. 72(b)(3).

A party's failure to file specific, written objections to the proposed findings of fact and conclusions of law contained in this report, within fourteen (14) days of being served with a copy of this report, bars that party from: (1) entitlement to de novo review by the United States district judge of the findings of fact and conclusions of law, *see Rodriguez v. Bowen*, 857 F.2d 275, 276–77 (5th Cir. 1988), and (2) appellate review, except on grounds of plain error, of any such findings of fact and conclusions of law accepted by the United States district judge, *see Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, at 1428–29 (5th Cir. 1996) (en banc).

SIGNED this the 11th day of July, 2025.



Christine L Stetson
UNITED STATES MAGISTRATE JUDGE