IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ANTHONIA NWAORIE, on behalf of herself and all others similarly situated,	§	
Plaintiff,	§	
v.	§	CIVIL ACTION H-18-1406
U.S. CUSTOMS AND BORDER PROTECTION, *et al.*,	§	
Defendants.	§	

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Pending before the court is the Magistrate Judge's Memorandum and Recommendation granting Defendants' Amended Motion to Dismiss (Dkt. 58). (Dkt. 70). Plaintiff filed objections to the Memorandum and Recommendation (Dkt. 71), to which Defendants responded. (Dkt. 72). Plaintiff also filed a reply brief (Dkt. 75).

A party may file objections to a Magistrate Judge's ruling within fourteen days of being served with a copy of a written order. Fed. R. Civ. P. 72; *see also* 28 U.S.C. § 636(b)(1)(C). The standard of review used by the district court depends on whether the Magistrate Judge ruled on a dispositive or non-dispositive motion. *See* Fed. R. Civ. P. 72; *see also* 28 U.S.C. § 636(b)(1)(C). District courts must determine de novo any part of the Magistrate Judge's disposition to which there is a timely objection. *See* Fed. R. Civ. P. 72 (b)(3).

The court has conducted a de novo review of the motion and supporting and opposing briefs, Memorandum and Recommendation, Plaintiff's objections and Defendants' response to the objections and Plaintiff's reply. The court concludes that Plaintiff's individual claim for interest on the seized property is barred by sovereign immunity, and her "screening list" cause of action fails

to raise a due process or equal protection claim because she failed to allege facts that would support a claim that she had a right to be free from a border search or that either the 2017 or 2018 border searches of her luggage were arbitrary, capricious or contrary to law or based on a protected characteristic. Finally, the court finds that Plaintiff has failed to allege viable class claims arising from the United States' use of a hold-harmless agreement and the United States' alleged violation of the "prompt-release" requirement of the Civil Asset Forfeiture Reform Act for the reasons stated in the Memorandum and Recommendation.

Plaintiff's objections are **OVERRULED**. The Memorandum and Recommendation is **ADOPTED IN FULL**.

Signed at Houston, Texas on August 8, 2019.

Gray H. Miller
Senior United States District Judge

General Information

Court	United States District Court for the Southern District of Texas; United States District Court for the Southern District of Texas
Federal Nature of Suit	Civil Rights - Other[440]
Docket Number	4:18-cv-01406
Status	CLOSED