

United States Court of Appeals for the Fifth Circuit

No. 25-50359
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2025

Lyle W. Cayce
Clerk

MATTHEW ANDREW GARCES,

Plaintiff—Appellant,

versus

PAMELA BONDI, *U.S. Attorney General, United States of America, Department of Justice, Civil Rights Division*; KEN PAXTON, *Attorney General, State of Texas*; CITY OF SAN ANTONIO, *Attorney Deborah Klein*; LARRY ROBERSON, *Bexar County Civil District Attorney*; BEXAR COUNTY SUPERVISION AND CORRECTIONS DEPARTMENT, MANAGEMENT; CSO JASON WOOLF, *Bexar County Community Supervision and Corrections Department*; OFFICER CHARLES KIMBROUGH, *Bexar County Community Supervision and Corrections Department*; JUDGE YOLANDA HUFF, *Bexar County District Court 12*; ATTORNEY IVAN FRIEDMAN; ATTORNEY MONICA GUERRERO,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:25-CV-128

Before DAVIS, SMITH, and HIGGINSON, *Circuit Judges.*

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PER CURIAM:*

Plaintiff-Appellant Matthew Garces, proceeding *pro se* and *in forma pauperis*, challenges the dismissal of his action under 28 U.S.C. § 1915(e). We AFFIRM.

Garces filed this suit while serving a term of probation imposed by the Bexar County, Texas courts. Garces initially named a large number of defendants, but amended his complaint to complain only of actions by Defendant-Appellees, Probation Officer Jason Woolf and Bexar County District Court Judge Yolanda Huff.

Garces alleges that Judge Huff “ordered Plaintiff to discontinue two physician prescribed medications, one of which was medicinal cannabis, used to treat Plaintiff’s PTSD diagnosis.” He does not identify the second medication, but alleges the order violated his “right to healthcare autonomy as granted by the ADA.” He contends Probation Officer Woolf cursed at him after he refused to sign a form Woolf generated that allegedly contained errors, which Garces likens to cruel and unusual punishment under the Eighth Amendment.

The magistrate judge recommended that the action against both Defendants be dismissed under § 1915(e).¹ His report and recommendation endorse dismissal as to Judge Huff on grounds of judicial immunity—a doctrine Garces’s amended complaint fails to confront, despite a show-cause order directing him to do so. The report also finds that Garces’s claim against Probation Officer Woolf fails as a matter of law because verbal abuse and

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

¹ *See* 28 U.S.C. 1915(e)(2)(B) (“[T]he court shall dismiss the case at any time if the court determines that-- . . . (B) the action or appeal--(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.”).

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harassment do not constitute cruel and unusual punishment under the Eighth Amendment.

Garces did not object to the report and recommendation. After review, the district court accepted the report and recommendation and dismissed the action on April 29, 2025. Garces timely appealed.

Contrary to Garces's argument on appeal, Judge Huff oversaw Garces's probation as a judicial officer, not in an administrative capacity. She was therefore protected by judicial immunity in ordering Garces to discontinue use of medicinal cannabis. As to Probation Officer Woolf, Garces's claim under the Eighth Amendment for abusive or profane language fails because "mere threatening language and gestures of a custodial officer do not, even if true, amount to constitutional violations."²

For these reasons and those stated in the magistrate judge's March 28, 2025 report and recommendation, which the district court adopted, we AFFIRM the dismissal of Garces's suit under § 1915(e) for failure to state a claim on which relief may be granted. During the pendency of this appeal, Garces moved for expedited relief from an unrelated state-court eviction proceeding, vacatur of rulings entered in *Garces v. Rossbach*, No. 25-441 (W.D. Tex.), and referral of certain district-court judges to judicial-conduct authorities, among other things. The motions, which were filed on July 31, 2025, are frivolous and are hereby DENIED.

Further, we observe that, in addition to this case, Garces has filed at least 28 other pro se lawsuits in the District Court for the Western District of Texas this year alone.³ That court has entered a cease-and-desist order

² *Lynch v. Cannatella*, 810 F.2d 1363, 1376 (5th Cir. 1987) (quoting *McFadden v. Lucas*, 713 F.2d 143, 146 (5th Cir. 1983)) (cleaned up).

³ *Garces v. Hernandez*, No. 5:25-CV-81 (filed Jan. 22, 2025); *Garces v. Hernandez*, No. 5:25-CV-82 (filed Jan. 22, 2025); *Garces v. City of San Antonio*, No. 5:25-CV-127 (filed

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against Garces for creating “havoc in the District Clerk’s Office,”⁴ and is now considering whether to label Garces a “vexatious litigant” and enjoin him from filing new lawsuits without court preclearance.⁵ In addition to those remedial measures, Garces is hereby WARNED that future frivolous, repetitive, or otherwise abusive filings will result in sanctions by this Court, which may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings here and in any court subject to this Court’s jurisdiction. Garces should review all pending matters and move to dismiss any that are frivolous, repetitive, or otherwise abusive.

Feb. 6, 2025); *Garces v. Mohammed*, No. 5:25-CV-141 (filed Feb. 11, 2025); *Garces v. DOJ*, No. 5:25-CV-252 (filed Mar. 7, 2025); *Garces v. United Health Care*, No. 5:25-CV-256 (filed Mar. 10, 2025); *Garces v. Hernandez*, No. 5:25-CV-312 (filed Mar. 26, 2025); *Garces v. Ruiz*, No. 5:25-CV-339 (filed Mar. 31, 2025); *Garces v. S.A. Police Dep’t*, No. 5:25-CV-388 (filed Apr. 11, 2025); *Garces v. Rossbach*, No. 5:25-CV-441 (filed Apr. 22, 2025); *Garces v. Contreras*, No. 5:25-CV-539 (filed May 15, 2025); *Garces v. Doe*, 5:25-CV-578 (filed May 27, 2025); *Garces v. Bisignano*, No. 5:25-CV-579 (filed May 27, 2025); *Garces ex rel. Contreras, Jr. v. Univ. Hosp.*, No. 5:25-CV-580 (filed May 27, 2025); *Garces v. Torrez*, No. 5:25-CV-604 (filed May 30, 2025); *Garces v. Saenz*, No. 5:25-CV-605 (filed May 30, 2025); *Garces v. Smith*, No. 5:25-CV-607 (filed June 2, 2025); *Garces v. Biery*, No. 5:25-CV-609 (filed June 2, 2025); *Garces v. Huerta*, No. 5:25-CV-633 (filed June 9, 2025); *Garces ex rel. Contreras, Jr. v. Christus Health*, No. 5:25-CV-634 (filed June 9, 2025); *Garces v. CarMax, Inc.*, No. 5:25-CV-635 (filed June 9, 2025); *Garces v. Tenet Health*, No. 5:25-CV-636 (filed June 9, 2025); *Garces v. Pain & Spine Physicians of S.A., PLLC*, No. 5:25-CV-637 (filed June 9, 2025); *Garces v. Brain & Spine Inst. of S.A.*, No. 5:25-CV-639 (filed June 9, 2025); *Garces v. Epic Pain Mgmt./Express Pain & Urgent Care*, No. 5:25-CV-685 (filed June 18, 2025); *Garces v. Garcia*, No. 5:25-CV-686 (filed June 18, 2025); *Garces v. Caudill*, No. 5:25-CV-702 (filed June 23, 2025); *Garces v. City of San Antonio*, No. 5:25-CV-703 (filed June 23, 2025).

⁴ See Cease and Desist Order, *Garces v. Mohammed*, No. 5:25-CV-141 (W.D. Tex. May 29, 2025), Dkt. No. 20 (ordering Garces to cease and desist from interacting with the district court’s clerk’s office and applying that order to nine other pro se cases filed by Garces).

⁵ See R&R of U.S. Magistrate Judge, *Garces v. Rossbach*, No. 5:25-CV-441 (W.D. Tex. June 4, 2025), Dkt. No. 14 (recommending pre-filing injunction against Garces).