

**APPENDIX A: Fifth Circuit Court of Appeals**  
**opinion**

United States Court of Appeals  
for the Fifth Circuit  
No. 24-10288  
Summary Calendar  
Conghua Yan,

United States  
Court of Appeals  
Fifth Circuit  
FILED  
October 25, 2024  
Lyle W. Cayce  
Clerk

Plaintiff—Appellant,  
versus

Mark A. Taylor, in his official capacity as Criminal District Office Investigator, Tarrant County, and in his private capacity; Richard B. Harwell, in his official capacity as Sergeant, Tarrant County, and in his private capacity; David F. Bennett, in his official capacity as Sheriff, Deputy, Tarrant County, and in his private capacity,

Defendants—Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:23-CV-28

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Before King, Southwick, and Engelhardt, Circuit  
Judges.

Per Curiam:<sup>5</sup>

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<sup>5</sup> This opinion is not designated for publication. See 5th Cir. R. 47.5.

Conghua Yan filed a pro se civil complaint alleging that he filed a criminal complaint with the Tarrant County Sheriff's Department and that the Tarrant County District Attorney did not prosecute the complaint. The defendants moved to dismiss Yan's complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction because Yan lacked standing to bring the complaint. The district court granted the motion to dismiss, and it dismissed the complaint for lack of jurisdiction under Rule 12(b)(1). We conduct a de novo review of dismissals under Rule 12(b)(1).

Yan argues that private citizens have the right to bring failure-to-investigate and failure-to-prosecute claims based on various legal theories. Notwithstanding these arguments, the established precedent from the Supreme Court is clear that private citizens lack a judicially cognizable interest in prosecution or non-prosecution of individuals. See *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973); *Lefebure v. D'Aquila*, 15 F.4th 650, 654-55 (5th Cir. 2021). Yan also argues that the district court characterized his assertion incorrectly and that he has standing to bring a claim in the public interest, but he fails to show that he has suffered a specific injury that is "concrete and particularized" rather than speculative. *Lujan v. Defenders of*

Wildlife, 504 U.S. 555, 560 (1992). Yan has not shown that the district court erred in concluding that he lacked standing to sue the defendants for failing to prosecute alleged crimes.

Finally, Yan argues that he should have been allowed to amend his complaint. A district court's denial of leave to amend or supplement is reviewed for an abuse of discretion, and, where amendment would be futile, no abuse of discretion can be shown. *Aldridge v. Miss. Dep't of Corr.*, 990 F.3d 868, 878 (5th Cir. 2021). Yan has failed to suggest how any amendment to his complaint that the officials of Tarrant County failed to pursue a criminal prosecution would not be futile.

AFFIRMED.

**APPENDIX B: Fifth Circuit Court of Appeals**  
**opinion on petition for rehearing en banc**

United States Court of Appeals  
for the Fifth Circuit  
No. 24-10288  
Summary Calendar  
Conghua Yan,

United States  
Court of Appeals  
Fifth Circuit  
FILED  
November 15, 2024  
Lyle W. Cayce  
Clerk

Plaintiff—Appellant,  
versus

Mark A. Taylor, in his official capacity as Criminal District Office Investigator, Tarrant County, and in his private capacity; Richard B. Harwell, in his official capacity as Sergeant, Tarrant County, and in his private capacity; David F. Bennett, in his official capacity as Sheriff, Deputy, Tarrant County, and in his private capacity,

Defendants—Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:23-CV-28

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Before King, Southwick, and Engelhardt, Circuit  
Judges.

Per Curiam:

IT IS ORDERED that the petition for rehearing  
is DENIED.

No. \_\_\_\_\_

**In the Supreme Court of the United States**

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**Conghua Yan,  
Petitioner,**

**v.**

**Mark A. Taylor, in his official capacity as Criminal  
District Office Investigator, Tarrant County, and in  
his private capacity; Richard B. Harwell, in his official  
capacity as Sergeant, Tarrant County, and in his  
private capacity; David F. Bennett, in his official  
capacity as Sheriff, Deputy, Tarrant County, and in  
his private capacity,**

**Respondent.**

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**On Petition for a Writ of Certiorari to the United States  
Court of Appeals for the Fifth Circuit**

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**PETITION FOR A WRIT OF CERTIORARI  
SUPPLEMENTAL APPENDIX**

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Conghua Yan  
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Pro se Plaintiff Conghua Yan ("Yan") filed a fifty-five page First Amended Complaint [doc. 23], including attachments, alleging twelve (12) claims against the above-listed Defendants in their individual and official capacities. Taylor is an investigator with the Tarrant County District Attorney's Office ("TCDAO") and Harwell and Bennett are employees with the Tarrant County Sheriff's Office ("TCSO"). (Defendants' Motion to Dismiss ("Defs.' Mot") at 1; see Plaintiff's First Amended Complaint ("Pl.'s Am. Compl." at 3).) In this case, Yan sues Defendants "for a facial constitutional challenge to the 'requirement set forth by [TCDAO]' at issue, pursuant to violations of Article One, First, Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C. § 1983, and 18 U.S.C. § 3771." (Pl.'s Am. Compl. at 1.) He claims he "brings a complaint for an as-applied constitutional challenge to defendants' actions at issue, pursuant to violations of the Fourteenth Amendment, 42 USC § 1983, and 18 U.S.C. § 3771." (Pl.'s Am. Compl. at 1-2.)

Plaintiff alleges the following claims: (1) "Clause 'unless . . . a grand jury' of 5<sup>th</sup> Amendment Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202;" (2) "Clause 'witness against himself' of 5<sup>th</sup> Amendment[,] Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202;" (3) "Clause "to have . . . assistance of counsel . . . defense[ ], of 6<sup>th</sup> Amendment[,] Declaratory

Judgment Act, 28 U.S.C. §§ 2201-2202;" (4) "Clause 'due process' of 14th Amendment[,] Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202;" (5) "Clause 'equal protection' of 14th Amendment Regardless of income[,] Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202;" (6) "Clause 'equal protection' of 14th Amendment Regardless of one's status[,] Declaratory Judgment Act, 28 U.S.C. §§ 2201- 2202;" (7) "Clause 'Separation of Powers' of U.S. const. ArtI.S1.3.1[,] Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202" (8) "Official Capacity of Defendant and Co-Defendants [sic] [,] U.S. Const. art. I[,] U.S. Const. amend. I, V, VI, XIV[,] Compensatory and punitive damages, 42 U.S.C. § 1983;" (9) "Private Capacity of Mark H Taylor, Defendant[,] U.S. Const, amend. XIV[,] Compensatory and punitive damages, 42 U.S.C. § 1983;" (10) "Private Capacity of Richard B Harwell, co-defendant[,] U.S. Const. amend. XIV[,] 18 U.S.C. § 3771[,] Compensatory and punitive damages, 42 U.S.C. §§ [sic] 1983;" (11) "Private Capacity of David F Bennett, co-defendant[,] U.S.. Const. amend. XIV[,] 18 U.S.C. § 3771[,] Compensatory and punitive damages, 42 U.S.C. §§ [sic] 1983;" and (12) "U.S. Const., amend. XIV, U.S. Const. art. I[,] Perjury and prosecutorial discretion[,] Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202." (Pl.'s Am. Compl. at 10-34 (mistakes in original).) In their Motion to Dismiss, Defendants argue that all claims against them should be

dismissed because Yan lacks standing to assert such claims, and, alternatively, they are entitled to qualified immunity. (Defs.' Mot. to Dismiss at 2.)

## II. LEGAL STANDARD AND ANALYSIS

Federal courts are courts of limited jurisdiction, and, without jurisdiction conferred by the United States Constitution or statute, they lack the power to adjudicate claims. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). The "burden of establishing federal jurisdiction rests on the party seeking the federal forum." *Howery v. Allstate Ins. Co.*, 243 F.3d 912, 916 (5th Cir. 2001). A court must dismiss an action if it determines that it lacks jurisdiction over the subject matter. See Fed. R. Civ. P. 12(h)(3).

"Article III of the Constitution limits federal 'Judicial Power,' that is, federal-court jurisdiction, to 'Cases' and 'Controversies.'" *U.S. Parole Comm'n v. Geraghty*, 445 U.S. 388, 395 (1980). "One element of the case-or-controversy requirement is that [plaintiffs], based on their complaint, must establish that they have standing to sue." *Raines v. Byrd*, 521 U.S. 811, 818 (1997). "The standing inquiry focuses on whether the plaintiff[s] are] the proper party to bring [the] suit." *Id.* Standing has both constitutional and prudential components. *Cibolo Waste, Inc. v. City of San Antonio*, 718 F.3d 469, 473

(5th Cir. 2013). To establish standing, a plaintiff must plead (1) an injury in fact which is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical, (2) that is fairly traceable to Defendant's conduct, and (3) that a favorable federal court decision is likely to redress. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992).

"At the pleading stage, general factual allegations of injury resulting from the defendant's conduct may suffice, for on a motion to dismiss 'we presum[e] that general allegations embrace those specific facts that are necessary to support the claim.'" Lujan, 497 U.S. at 561. "[I]f the plaintiff does not carry his burden 'clearly to allege facts demonstrating that he is a proper party to invoke judicial resolution of the dispute,' then dismissal for lack of standing is appropriate." Hotze v. Burwell, 784 F.3d 984, 993 (5th Cir. 2015) (quoting FW/PBS, Inc. v. City of Dallas, 493 U.S. 215, 231 (1990)).

Based on his First Amended Complaint, Plaintiff appears to be suing Defendants for failing to investigate and prosecute injuries he allegedly suffered by the acts of two attorneys and a judge in a separate case. However, "longstanding Supreme Court precedent confirms that a crime victim lacks standing to sue a prosecutor for failing to investigate or indict [his] perpetrator, due to lack of causation

and redressability.” *Lefebure v. D’Aquilla*, 15 F.4th 650, 654 (5th Cir. Oct. 5, 2021); see *Yanke v. Ludlow*, No. 2:11-cv-00962-CW-SA, 2012 WL 2914557, at \*10 (D. Utah May 30, 2012) (“The Complaint also fails because [Plaintiff] does not have standing to sue [a director of a state agency and its chief investigator] for failure to prosecute [his former spouse].”) This is because “in American jurisprudence at least, a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.” *Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (affirming dismissal for lack of standing where the mother of an illegitimate child sought to enjoin local district attorney from refraining to prosecute the father of the child for failure to provide child support); see *Lefebure*, 15 F.4th at 654 (holding that a rape victim lacked Article III standing to sue a district attorney, who allegedly conspired with the assailant, the assailant’s defense counsel (who was related to the district attorney), and the sheriff, for his failure to investigate and prosecute her allegation notwithstanding allegations that the practice violated the plaintiff’s 14th Amendment rights); *Ross v. Fed. Bureau of Investigation*, No. 21-496-BAJ- RLB, 2022 WL 3928528, at \*4 (M.D. La. Aug. 3, 2022) (recommending dismissal of plaintiff’s claims against FBI for its alleged failure to investigate criminal complaints and bring charges

against a third party), rep. and recommendation adopted, 2022 WL 3925277 (M.D. La. Aug. 30, 2022).<sup>1</sup>

Plaintiff, in his response, claims that Defendants have mischaracterized his claims in his First Amended Complaint and that he “does not seek any criminal remedy or civil remedy related to the personal criminal subject occurred [sic] in the family court proceeding. (Plaintiff’s Response to Defendants’ Motion to Dismiss (“Pl.’s Resp.”) at 1.) In support of this argument, Plaintiff states:

The subject matter of this case is the “requirement set forth by the TCDA[O]” and its following adjudication acted by defendant and co-defendants.

....

6. The Administrative Act grants government bodies within the executive branch two functions: rulemaking and adjudication. In none of the twelve claims had the plaintiff requested that the Court compel TCSO or [TCDAO] to undertake an adjudicatory act, investigate, or prosecute the crime related to the plaintiff’s case.

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<sup>1</sup> Moreover, the Court finds and concludes that, even if Plaintiff did have standing to sue, Defendants would be entitled to qualified immunity for the reasons stated in Defendants’ Motion and Reply.

Even if TSCO or [TCDAO] voluntarily decide to undertake an adjudicatory act, investigate, or prosecute the crime related to the plaintiff's case tomorrow, the plaintiff still has standing in this case. This is because the investigation or prosecution of the plaintiff's case is irrelevant to this specific case. . . .

....

8. In this lawsuit, the plaintiff represents public interest rather than his personal interests. For the first to eighth claims, and the twelfth one, the plaintiff challenges the policy of Tarrant County under the official capacity of the three individuals, seeking relief based on a facial constitutional challenge. For the ninth to eleventh claims, the plaintiff files charges against three individuals for knowingly disregarding laws and procedures during the investigatory process, under their private capacity. None of the twelve claims are related to the outcome of the plaintiff's personal criminal complaint.

(Pl.'s Resp. at 2-3 (internal citations omitted).)

Assuming that Plaintiff has, in fact, brought a lawsuit to represent the public interest and not his

personal interest, then again Plaintiff would lack standing as there would be no actual case or controversy. "Article III courts have jurisdiction over actual controversies; they are not permitted the luxury of issuing advisory opinions." *Baker v. City of Fort Worth*, 506 F. Supp. 3d 413, 419 n.1 (N.D. Tex. 2020) (quoting *Wilson v. Zarhadnick*, 534 F.2d 55, 57 (5th Cir. 1976)); see *Umphress v. Hall*, 500 F. Supp. 3d 553, 558 n.5 (N.D. Tex. 2020). Thus, regardless of Plaintiff's characterization of his claims, he does not have standing to pursue such claims. Consequently, the Court finds and concludes that it lacks subject matter jurisdiction to hear this case.

**RECOMMENDATION**

For the reasons set out above, the Court RECOMMENDS that the Defendants' Motion to Dismiss [doc. 51] be GRANTED and all claims against Defendants be DISMISSED.

**NOTICE OF RIGHT TO OBJECT TO PROPOSED  
FINDINGS, CONCLUSIONS AND  
RECOMMENDATION AND CONSEQUENCES  
OF FAILURE TO OBJECT AFFIRMED.**

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings,

conclusions, and recommendation within fourteen (14) days after the party has been served with a copy of this document. The United States District Judge need only make a de novo determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendation to which specific objection is timely made. See 28 U.S.C. § 636(b)(1). Failure to file, by the date stated above, a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual findings and legal conclusions accepted by the United States District Judge. See Douglass v. United Servs. Auto Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996), modified by statute on other grounds, 28 U.S.C. § 636(b)(1) (extending time to file objections to 14 days).

ORDER

Under 28 U.S.C. § 636, it is hereby ORDERED that each party is granted until November 23, 2023, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions, and recommendation. It is further ORDERED that if objections are filed, and the opposing party chooses to file a response, the response shall be filed within seven (7) days of the filing date of the objections.

It is further ORDERED that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusion, and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED November 9, 2023.

/S/ JEFFREY L. CURETON

JEFFREY L. CURETON

UNITED STATES MAGISTRATE JUDGE

**APPENDIX D: Order Accepting Findings**

**Conclusions and Recommendation of Northern**

**District of Texas, Fort Worth Division**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CONGHUA YAN,

Plaintiff,

V. CIVIL NO. 4:23-CV-288-P

MARK A. TAYLOR, et al.,

Defendants.

**ORDER ACCEPTING THE FINDINGS,  
CONCLUSIONS, AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge issued findings, conclusions, and a recommendation (“FCR”) for this case on November 9, 2023. See ECF No. 68. Plaintiff objected to the FCR the next day, see ECF No. 69, so the Court conducted a de novo review. Having done so, the Court ADOPTS the reasoning in the Magistrate Judge’s FCR (ECF No. 68), OVERRULES

Plaintiff's Objection (ECF No. 69), and DISMISSES this action with prejudice.

#### BACKGROUND

Appearing pro se, Plaintiff Conghua Yan filed a fifty-five-page First Amended Complaint on June 8, 2023. Relevant here, the First Amended Complaint contains causes of action against Defendants Mark A. Taylor, Richard B. Harwell, and David F. Bennett. See *id.* Taylor is an investigator with the Tarrant County District Attorney's Office; Harwell and Bennett are employees of the Tarrant County Sheriff's Office. As recited in the First Amended Complaint, Yan sues Defendants "for a facial constitutional challenge to the 'requirement set forth by the Tarrant County District Attorney's Office' at issue, pursuant to violations of Article One, First, Fifth, Sixth, and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C. § 1983, and 18 U.S.C. § 3771." Defendants moved to dismiss Yan's claims against them on June 22, 2023. In their Motion, Defendants argue: (1) Yan lacks standing to assert the relevant claims against them and (2) even if he had standing, Defendants are entitled to qualified immunity against his claims. The FCR rightly concluded that Defendants have qualified immunity against Yan's lawsuit, but it stopped its analysis after the jurisdictional inquiry because Yan does not have standing.

## LEGAL STANDARDS & ANALYSIS

“Federal courts are courts of limited jurisdiction” that “possess only that power authorized by the Constitution and statute, which is not to be expanded by judicial decree.” *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). “A court must have the power to decide the claim before it (subject-matter jurisdiction) and power over the parties before it (personal jurisdiction) before it can resolve a case.” *Lightfoot v. Cendant Mortg. Corp.*, 580 U.S. 82, 95 (2017). As explained in the FCR, see ECF No. 68 at 5–6, the Court lacks jurisdiction over Yan’s claims against Defendants Taylor, Harwell, and Bennett.

The FCR accurately analyzed Yan’s standing to assert claims under the Constitution, as well as 42 U.S.C. § 1983 and 18 U.S.C. § 3771. Standing is an important doctrine in determining the contours of this Court’s jurisdiction, as it helps identify cases that are “appropriately resolved through the judicial process.” *Whitmore v. Arkansas*, 495 U.S. 149, 155 (1990). Standing gets pedantic fast. But behind all the jargon, standing just means plaintiffs have skin in the game. See *Sierra Club v. Morton*, 405 U.S. 727, 731 (1972) (defining standing as “a sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy”); *Umphress v. Hall*, 500 F. Supp. 3d 553, 559 (N.D. Tex. 2020) (Pittman, J.) (finding no standing where state judge’s complaint

"mentions neither a currently nor imminently pending judicial disciplinary proceeding or investigation against him"). As explained in the FCR and adopted herein, Plaintiff Yan lacks standing to assert the relevant claims in his First Amended Complaint. See ECF No. 23.

To make this call, the Court asks three questions. First, was the plaintiff wronged? In legal parlance, a plaintiff must have an "injury in fact," which is the "invasion of a legally protected interest." *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992) (citation omitted). Second, are the defendants the bad guys? There must be a "causal connection between the injury and the conduct complained of." *Id.* Third, can the Court do anything about it? "[I]t must be 'likely,' as opposed to merely 'speculative,' that the injury will be 'redressed by a favorable decision.'" *Id.* at 561 (quoting *Simon*, 426 U.S. at 38, 43). And Yan has "the burden of establishing these elements." *Id.*

Here, Yan "appears to be suing Defendants for failing to investigate and prosecute injuries he allegedly suffered by the acts of two attorneys and a judge in a separate case." ECF No. 68 at 4. The FCR discussed significant precedent failing to recognize such claims in this context. See *id.* Yan disputes Defendants' characterization of his claims, contending that he "does not seek any criminal remedy or civil remedy related to the personal criminal subject

occurred [sic] in the family court proceeding.” ECF No. 54 at 1. Rather, Yan “represents public interest rather than his personal interests” in bringing this lawsuit. *Id.* at 3. While that doesn’t seem entirely consistent with the First Amended Complaint, see ECF No. 23, the Magistrate Judge took Yan at his word when evaluating standing. And as the FCR correctly observed: “[a]ssuming that Plaintiff has, in fact, brought a lawsuit to represent the public interest and not his personal interest, then again Plaintiff would lack standing as there would be no actual case or controversy.” ECF No. 68 at 6–7 (collecting cases).

While public interests may be important, federal courts are not the correct forum to seek their redress unless they manifest in a specific injury unique to the plaintiff that is distinct from the broader public harm. Because Yan fails to establish the first prong required for standing—an injury that is “concrete” and “particularized” as to him—the Court endorses the FCR’s reasoning in its entirety. See *Lujan*, 504 U.S. at 560 (noting plaintiffs must show “the invasion of a legally protected interest” that is both “(a) concrete and particularized” and “(b) actual or imminent, not ‘conjectural’ or ‘hypothetical’”).

As discussed above and analyzed in detail in the FCR, Plaintiff Conghua Yan lacks standing to assert his claims against the relevant Defendants. Accordingly, the Court must GRANT their Motion to

Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). See ECF No. 51. The Court now turns to Yan's objections lodged against the FCR. See ECF No. 69.

#### ANALYSIS OF OBJECTIONS

Yan filed a formal Objection to the FCR on November 10, 2023. See ECF No. 69. The nine-page Objection begins with a lengthy recitation of the relevant procedural history. See *id.* at 1–3. From what the Court could determine, Yan's actual objections fall into three broad camps: (1) an objection to the FCR's use of certain verbiage, e.g., "advisory opinion"; (2) an objection that the FCR failed to apply correct legal standards, e.g., *Cochran v. SEC*, 20 F.4th 194 (5th Cir. 2021); and (3) arguments that the FCR erred in interpreting precedents related to subject-matter jurisdiction. The Court OVERRULES the first subset because it is legally irrelevant. The Court OVERRULES the second because Yan applies inapplicable case law and because the federal-question analysis under 28 U.S.C. § 1331 is conducted after standing has been established. See *Self-Ins. Inst. of Am. v. Korioth*, 993 F.2d 479, 482 (5th Cir. 1993) (collecting cases). The Court OVERRULES the third because Yan identifies no error in the FCR's interpretation of germane precedents.

#### CONCLUSION

For the reasons discussed above, the Court  
ADOPTS the reasoning in the Magistrate Judge's  
FCR, ENDORSES its recommended holding,  
OVERRULES Plaintiff's objections thereto, and  
DISMISSES this action with prejudice.

SO ORDERED on this 19th day of March 2024.

/S/ Mark. T. Pittman

Mark. T. Pittman

UNITED STATES DISTRICT JUDGE

**APPENDIX E: Final Judgment of Northern  
District of Texas, Fort Worth Division**

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

CONGHUA YAN,  
Plaintiff,

V. CIVIL NO. 4:23-CV-288-P

MARK A. TAYLOR,et al.,  
Defendants.

**FINAL JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 58  
and the Court's Order Accepting the Findings,  
Conclusions, and Recommendation of the United  
States Magistrate Judge (ECF No. 70), it is hereby  
**ORDERED, ADJUDGED, and DECREED** that the  
above-styled civil action is DISMISSED with  
prejudice.

SO ORDERED on this 19th day of March 2024.

/S/ Mark. T. Pittman

Mark. T. Pittman

UNITED STATES DISTRICT JUDGE

**APPENDIX F: Policy letter from Tarrant County**

**Sheriff Office and District Attorney Office**

Tarrant County Sheriffs Department Criminal  
Investigation Division

Date:

January 4, 2023

Service Number: 2022-18012

RE: Perjury

To: Conghua Yan,

On December 16, 2022, you were listed as the reporting person a victim in TCSO case #2022-18012. After my investigating, I was not able to meet the **requirements set forth by TCDA's office**. I spoke to TCDA's office regarding your issue and they advised they **would only accept or open an investigation into your claim of perjury only at the request of the presiding judge**, since that **did not occur**, your case has been closed.

Thank you for your cooperation,

/s/ D Bennett

Detective D Bennett

817-884-3436