

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, CORPUS CHRISTI DIVISION

Daphne Keller v. J Valdez, et al.

Keller · No. 2:25-CV-00306 · Decided February 18, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopts a magistrate judge’s memorandum and recommendation to dismiss the action for failure to prosecute. The case is dismissed without prejudice under Federal Rule of Civil Procedure 41(b) because no timely objections were filed and the court found no clear error.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Corpus Christi Division
WRITING FOR THE COURT	Nelva Gonzales Ramos
JURISDICTION	United States District Court for the Southern District of Texas, Corpus Christi Division
DECIDED	February 18, 2026
DOCKET	2:25-CV-00306
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's memorandum and recommendation to dismiss the action for failure to prosecute after the plaintiff failed to file timely objections.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's memorandum and recommendation, the district court reviews the record for clear error and may accept the recommendation if no clear error appears.
PRECEDENTIAL VALUE	Unknown
PARTIES	Daphne Keller v. J Valdez, et al.

TOPICS

- default
- civil procedure
- sanctions

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's memorandum and recommendation when no timely objection was filed.
2. Whether the action should be dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

HOLDINGS

1. When no timely objection is filed to a magistrate judge's memorandum and recommendation, the district court need only satisfy itself that there is no clear error on the face of the record before accepting the recommendation.
2. The action was properly dismissed without prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b).

KEY QUOTATIONS

“When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and recommendation.” (at 1)

“Accordingly, this action is DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of Civil Procedure 41(b).” (at 1)

FACTUAL BACKGROUND

The plaintiff failed to prosecute the action as determined in the magistrate judge's memorandum and recommendation. The plaintiff was given notice of, and an opportunity to object to, that recommendation but did not file timely objections. The district court reviewed the record and found no clear error.

PROCEDURAL HISTORY

On January 15, 2026, Magistrate Judge Julie K. Hampton issued a memorandum and recommendation recommending dismissal for failure to prosecute. Plaintiff received notice and an opportunity to object but filed no timely objections. The district court found no clear error, adopted the recommendation, and dismissed the action without prejudice under Federal Rule of Civil Procedure 41(b).

DISPOSITION

dismissed

CASES CITED

- *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005)

- *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)

OPINION

UNITED STATES DISTRICT COURT February 18, 2026 SOUTHERN DISTRICT OF TEXAS
Nathan Ochsner, Clerk CORPUS CHRISTI DIVISION DAPHNE KELLER, § § Plaintiff, § § VS.
§ CIVIL ACTION NO. 2:25-CV-00306 § J VALDEZ, et al., § § Defendants. § ORDER
ADOPTING MEMORANDUM AND RECOMMENDATION TO DISMISS CASE FOR
FAILURE TO PROSECUTE On January 15, 2026, United States Magistrate Judge Julie K.
Hampton issued her “Memorandum and Recommendation to Dismiss Case for Failure to
Prosecute” (D.E.

15). Plaintiff was provided proper notice of, and opportunity to object to, the Magistrate Judge’s
memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order
No. 2002-13. No objections have been timely filed. When no timely objection to a magistrate
judge’s memorandum and recommendation is filed, the district court need only satisfy itself that
there is no clear error on the face of the record and accept the magistrate judge’s memorandum and
recommendation.

Guillory v. PPG Indus., Inc., 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs.*
Auto Ass’n, 79 F.3d 1415, 1420 (5th Cir. 1996)). Having reviewed the findings of fact and
conclusions of law set forth in the Magistrate Judge’s memorandum and recommendation (D.E.
15), and all other relevant documents in the record, and finding no clear error, the Court ADOPTS
as its own the findings and conclusions of the Magistrate Judge.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE pursuant to Federal Rule of
Civil Procedure 41(b). ORDERED on February 18, 2026. Lele GONZAIGS RAMOS UNITED
STATES DISTRICT JUDGE 2/2