

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, MCALLEN DIVISION

C.H. Robinson Worldwide, Inc. v. Victor Rodriguez Law Firm,
PLLC, and Victor Rodriguez, Jr.

C.H. Robinson · No. 7:25-CV-00337 · Decided February 13, 2026

SUMMARY

The United States District Court for the Southern District of Texas denied without prejudice C.H. Robinson Worldwide, Inc.'s motion for default judgment against the Victor Rodriguez Law Firm, PLLC and Victor Rodriguez, Jr. C.H. Robinson alleged legal malpractice and related claims arising from Defendants' representation in a personal injury action. The court held that C.H. Robinson had not shown that Defendants were properly served with the motion for default judgment as required by Federal Rule of Civil Procedure 5 and the court's local rules.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, McAllen Division
WRITING FOR THE COURT	Drew B. Tipton
JURISDICTION	United States District Court for the Southern District of Texas, McAllen Division
DECIDED	February 13, 2026
DOCKET	7:25-CV-00337
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for default judgment after the Clerk entered default against both defendants. The court denied the motion without prejudice because the record did not establish that defendants had been served with the motion for default judgment.
STANDARD OF REVIEW	A motion for default judgment is committed to the discretion of the district judge and is not granted as a matter of right merely because a defendant is in default. The court considers whether default judgment is procedurally appropriate, whether the plaintiff has presented a colorable claim, and how damages or equitable relief should be calculated.

PRECEDENTIAL VALUE	Unknown; district court memorandum opinion and order
PARTIES	C.H. Robinson Worldwide, Inc. v. Victor Rodriguez Law Firm, PLLC, Victor Rodriguez, Jr.

TOPICS

default judgment service of process civil procedure professional negligence commercial litigation

PRACTICE AREAS

civil procedure default judgment legal malpractice commercial litigation

QUESTIONS PRESENTED

1. Whether default judgment was procedurally appropriate when the plaintiff did not provide evidence that the defendants had been served with the motion for default judgment as required by Federal Rule of Civil Procedure 55 and Southern District of Texas Local Rule 5.5.
2. What procedural and substantive standards govern a motion for default judgment after the Clerk has entered default.

HOLDINGS

1. A plaintiff seeking default judgment must submit evidence showing that the defendant was properly served with the summons, complaint, and motion for default judgment. Because C.H. Robinson provided neither a statement nor evidence establishing service of its motion in compliance with Local Rule 5.5, default judgment was not appropriate on the current record.
2. A party is not entitled to default judgment as a matter of right merely because the defendant is technically in default; entry of default judgment remains within the district court's discretion.

KEY QUOTATIONS

“A party is not entitled to a default judgment as a matter of right, even where the defendant is technically in default.” (Section II)

“To obtain a default judgment, a plaintiff must submit evidence showing that the defendant has been properly served with the summons, complaint, and the default judgment motion.” (Section III)

“On this record, default judgment is not appropriate.” (Section III)

FACTUAL BACKGROUND

C.H. Robinson retained the defendants to represent it in a Texas personal-injury action arising from a 2019 automobile collision. C.H. Robinson alleged that the defendants failed to communicate, failed to file dispositive motions or seek continuances, misrepresented the status of the litigation, and delayed providing the case file. According to the complaint, the defendants' conduct resulted in discovery sanctions, admitted liability, and a \$3.9 million settlement payment. The defendants did not answer or appear in this action.

PROCEDURAL HISTORY

C.H. Robinson filed a diversity action asserting attorney negligence or malpractice, breach of fiduciary duty, negligent misrepresentation, intentional or fraudulent misrepresentation, and breach of contract. Defendants were served but did not answer or appear, and the Clerk entered default on October 3, 2025. C.H. Robinson then moved for default judgment seeking \$3.9 million in damages and post-judgment interest. The district court denied the motion without prejudice.

DISPOSITION

dismissed

CASES CITED

- N.Y. Life Ins. v. Brown, 84 F.3d 137, 141 (5th Cir. 1996)
- Allbrook v. Watkins, No. 4:22-CV-03907, 2023 WL 10554580, at *1 (S.D. Tex. July 11, 2023)
- Sys. Pipe & Supply, Inc. v. M/V Viktor Kurnatovskiy, 242 F.3d 322, 324 (5th Cir. 2001)
- Shinsho Am. Corp. v. HyQuality Alloys, LLC, 694 F. Supp. 3d 805, 816-17 (S.D. Tex. 2023)
- Vela v. M&G USA Corp., No. 2:17-CV-13, 2020 WL 421188, at *1 (S.D. Tex. Jan. 27, 2020)
- Ganther v. Ingle, 75 F.3d 207, 212 (5th Cir. 1996) (per curiam)
- Mason v. Lister, 562 F.2d 343, 345 (5th Cir. 1977)
- Axxcess Glob. Scis., LLC v. Ozcan Grp., Inc., No. 4:23-CV-02704, 2024 WL 3259700, at *2 (S.D. Tex. July 1, 2024)
- John Perez Graphics & Design, LLC v. Green Tree Inv. Grp., Inc., No. 3:12-CV-04194, 2013 WL 1828671, at *3 (N.D. Tex. May 1, 2013)
- Sun Bank of Ocala v. Pelican Homestead & Sav. Ass'n, 874 F.2d 274, 276 (5th Cir. 1989)
- McCarty v. Tacklife Inc., No. 6:22-CV-00037, 2024 WL 4028728, at *1 (S.D. Tex. Sept. 2, 2024)