

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

Jennyfer Gaytan v. Verda Express, Inc. et al.

Gaytan · No. 5:25-cv-203 · Decided February 13, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopted the magistrate judge’s Report and Recommendation without objection. The court granted Jennyfer Gaytan’s unopposed motion for leave to file a first amended complaint and directed the clerk to docket it.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Laredo Division
WRITING FOR THE COURT	Lea Garcia
JURISDICTION	United States District Court for the Southern District of Texas, Laredo Division
DECIDED	February 13, 2026
DOCKET	5:25-cv-203
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation on Plaintiff's unopposed motion for leave to file a first amended complaint.
STANDARD OF REVIEW	Clear-error review of an unobjected-to magistrate judge's Report and Recommendation under Federal Rule of Civil Procedure 72(b) and 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation after reviewing it for clear error when no party objected.
2. Whether Plaintiff's unopposed motion for leave to file a first amended complaint should be granted.

HOLDINGS

1. When no party objects to a magistrate judge's Report and Recommendation, the district court reviews the recommendation for clear error; finding none, the court adopted the recommendation in whole.
2. Plaintiff's unopposed motion for leave to file a first amended complaint was granted, and the clerk was directed to docket the proposed amended complaint.

KEY QUOTATIONS

"Finding none, the Court hereby ADOPTS IN WHOLE Judge dos Santos's Report and Recommendation (Dkt. No. 13)."

"Accordingly, Plaintiff's Unopposed Motion for Leave to File Plaintiff's First Amended Complaint is GRANTED (Dkt. No. 8)."

FACTUAL BACKGROUND

Plaintiff Jennyfer Gaytan sought leave to file a first amended complaint. The proposed amendment omitted claims under Texas Transportation Code sections 545.357, 545.401, 545.415(a), and 547.501. The motion was unopposed, and no party objected to the magistrate judge's recommendation that the motion be granted.

PROCEDURAL HISTORY

The district court referred Plaintiff's unopposed motion for leave to amend to Magistrate Judge Christopher dos Santos. The magistrate judge recommended granting the motion to omit specified Texas Transportation Code claims. After the fourteen-day objection period expired without objection, the district court reviewed the recommendation for clear error, found none, adopted it in whole, granted the motion, and directed the clerk to docket the amended complaint.

DISPOSITION

other

CASES CITED

- CGI Logistics, LLC v. Fast Logistik, No. 5:23-CV-43, 2023 WL 8313341, at *2 (S.D. Tex. Dec. 1, 2023)
- United States v. Soto, 734 F. App'x 258, 259 (5th Cir. 2018)
- Cao v. BSI Fin. Servs., Inc., 858 F. App'x 156, 158 (5th Cir. 2021)

OPINION

USNOIUTETDH ESRTNAT DEISS TDRISICTTR IOCFT TCEOXUARST February 17, 2026
LAREDO DIVISION Nathan Ochsner, Clerk JENNYFER GAYTAN § § VS. § CIVIL ACTION
NO. 5:25-cv-203 § VERDA EXPRESS, INC. et al. § ORDER ADOPTING REPORT AND
RECOMMENDATION The Court referred Plaintiff's Unopposed Motion for Leave to File
Plaintiff's First Amended Complaint (Dkt. No. 8) to Magistrate Judge Christopher dos Santos for a
Report and Recommendation (Dkt.

No. 9). Judge dos Santos recommended granting Plaintiff's motion to omit her "claims under the
Texas Transportation Code Sections 545.357, 545.401, 545.415(a) and 547.501" (Dkt. No. 13 at 1
(citing Dkt. No. 8 at 1)).

The fourteen-day objection period has lapsed, and no party objected to this recommendation. See
28 U.S.C. § 636(b)(1). Pursuant to Federal Rule of Civil Procedure 72(b), the Court reviewed the
Report and Recommendation for clear error. CGI Logistics, LLC v. Fast Logistik, No. 5:23-CV-
43, 2023 WL 8313341, at *2 (S.D. Tex. Dec. 1, 2023) (Garcia Marmolejo, J.) (citing United States
v. Soto, 734 F. App'x 258, 259 (5th Cir.

2018)); see also Cao v. BSI Fin. Servs., Inc., 858 F. App'x 156, 158 (5th Cir. 2021). Finding none,
the Court hereby ADOPTS IN WHOLE Judge dos Santos's Report and Recommendation (Dkt.
No. 13). Accordingly, Plaintiff's Unopposed Motion for Leave to File Plaintiff's First Amended
Complaint is GRANTED (Dkt. No. 8).

The Clerk of Court is DIRECTED to docket Plaintiff's First Amended Complaint (Dkt. No. 8-1).
It is so ORDERED. SIGNED February 13, 2026. Lea Garcia United States District Judge