

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
NORTH CAROLINA

United States of America v. Tommy Bradley Welch d/b/a TBW Cattle

United States v. Welch · No. 1:24CV1028 · Decided January 9, 2026

SUMMARY

The United States District Court for the Middle District of North Carolina grants the United States’ unopposed motion for summary judgment against Tommy Bradley Welch d/b/a TBW Cattle. The court holds that Welch violated the Packers and Stockyards Act and prior USDA cease-and-desist orders by making 30 late livestock payments, and awards the United States \$58,386 in civil forfeitures plus costs.

CASE DETAILS

COURT	United States District Court for the Middle District of North Carolina
WRITING FOR THE COURT	Thomas D. Schroeder
JURISDICTION	United States District Court for the Middle District of North Carolina
DECIDED	January 9, 2026
DOCKET	1:24CV1028
DISPOSITION	other
PROCEDURAL POSTURE	The United States brought a civil action seeking recovery of forfeitures for alleged violations of the Packers and Stockyards Act and moved for summary judgment. Defendant did not timely respond, making the motion uncontested under the local rules. The district court independently reviewed the record and granted summary judgment for the United States.
STANDARD OF REVIEW	Summary judgment is proper when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. Even when a dispositive motion is unopposed, the court must review the motion and record to determine whether the movant is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	unknown
PARTIES	United States of America

TOPICS

summary judgment

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the United States was entitled to summary judgment despite Welch's failure to oppose the motion.
2. Whether Welch violated the Packers and Stockyards Act by failing to pay the full purchase price of livestock by the close of the next business day without a written agreement postponing payment.
3. Whether Welch knowingly violated the USDA's prior cease-and-desist orders, making him liable for inflation-adjusted forfeitures under 7 U.S.C. § 215.

HOLDINGS

1. An unopposed motion for summary judgment may be treated as uncontested under the local rules, but the court must still review the motion and record to determine whether the movant is entitled to judgment as a matter of law.
2. Welch violated 7 U.S.C. §§ 228b and 213 by failing on 30 occasions to pay the full purchase price of livestock by the close of the next business day, and his alleged verbal agreements postponing payment did not avoid liability because such agreements must be in writing.
3. Welch knowingly failed to obey the 2016 and 2019 USDA cease-and-desist orders on 30 occasions, making him liable to the United States for inflation-adjusted forfeitures totaling \$58,386 under 7 U.S.C. § 215.

KEY QUOTATIONS

“[I]n considering a motion for summary judgment, the district court ‘must review the motion, even if unopposed, and determine from what it has before it whether the moving party is entitled to summary judgment as a matter of law.’” (Analysis § II.A)

“The Packers and Stockyards Act provides that a dealer ‘shall, before the close of the next business day following the purchase of livestock . . . deliver to the seller or his duly authorized representative the full amount of the purchase price.’” (Analysis § II.B)

FACTUAL BACKGROUND

Welch bought and sold livestock from May 1, 2020, through July 17, 2020, and was a dealer subject to the Packers and Stockyards Act. Prior USDA consent and default orders required him to cease and desist from failing to pay the full purchase price of livestock when due. During the relevant period, Welch failed to make timely payments in 30 livestock transactions totaling \$867,212.14; his asserted verbal payment agreements did not satisfy the Act's requirement that any postponement agreement be in writing. Eighteen violations occurred

before June 17, 2020, and twelve occurred on or after that date, resulting in an inflation-adjusted forfeiture of \$58,386.

PROCEDURAL HISTORY

The United States filed its complaint on December 6, 2024. Welch filed an answer, but failed to respond to requests for admissions, which were deemed admitted under Federal Rule of Civil Procedure 36(a)(3). The United States moved for summary judgment on May 12, 2025, and Welch failed to respond by the deadline. The court granted the motion and ordered Welch to pay \$58,386 plus costs.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317, 322-23, 325 (1986)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 255 (1986)
- Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975)
- Robinson v. Wix Filtration Corp. LLC, 599 F.3d 403, 409 n.8 (4th Cir. 2010)
- Custer v. Pan Am. Life Ins. Co., 12 F.3d 410, 416 (4th Cir. 1993)
- Gardendance, Inc. v. Woodstock Copperworks, Ltd., 230 F.R.D. 438, 449 (M.D.N.C. 2005)