

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

Cassandra Whitaker, as putative representative of the estate of
Nashyra Whitaker v. Bianca Farmer, et al.

Farmer · No. 7:23-cv-00339 · Decided February 18, 2026

SUMMARY

The United States District Court for the Southern District of Texas accepts and adopts a magistrate judge’s Memorandum and Recommendation recommending that the plaintiff’s Second Amended Motion for Default Judgment be granted. The court entered default judgment against Adriana Trevino, All Square Inc., Issac V. Garcia, and IZK LLC.

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 18, 2026
DOCKET	7:23-cv-00339
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Memorandum and Recommendation recommending that Plaintiff's Second Amended Motion for Default Judgment be granted. No party objected to the recommendation.
STANDARD OF REVIEW	Plain-error review because no party objected to the magistrate judge's Memorandum and Recommendation.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated in the source.
PARTIES	Cassandra Whitaker, as putative representative of the estate of Nashyra Whitaker v. Bianca Farmer, et al.

TOPICS

default judgment

default

civil procedure

PRACTICE AREAS

civil procedure

federal civil litigation

default judgment

QUESTIONS PRESENTED

1. Whether the district court should accept and adopt the magistrate judge's Memorandum and Recommendation when no party filed an objection.
2. Whether Plaintiff's Second Amended Motion for Default Judgment should be granted and default judgment entered against the specified defendants.

HOLDINGS

1. When no party objects to a magistrate judge's Memorandum and Recommendation, the district court reviews the recommendation for plain error; finding no plain error, the court may accept and adopt it.
2. The court accepted and adopted the magistrate judge's Memorandum and Recommendation, granted Plaintiff's Second Amended Motion for Default Judgment, and entered default judgment against Adriana Trevino, All Square Inc., Issac V. Garcia, and IZK LLC.

KEY QUOTATIONS

"No plain error appears."

"Default Judgment is hereby entered against Adriana Trevino, All Square Inc., Issac V. Garcia, and IZK LLC;"

FACTUAL BACKGROUND

The action was brought by Cassandra Whitaker as putative representative of the estate of Nashyra Whitaker. The district court's order concerns Plaintiff's Second Amended Motion for Default Judgment against defendants Adriana Trevino, All Square Inc., Issac V. Garcia, and IZK LLC. The order does not provide the underlying substantive facts supporting the default judgment.

PROCEDURAL HISTORY

Magistrate Judge Peter Bray issued a February 3, 2026 Memorandum and Recommendation recommending that Plaintiff's Second Amended Motion for Default Judgment be granted. After notice and an opportunity to object, no party filed an objection. The district court reviewed the recommendation for plain error, found none, accepted and adopted it, entered default judgment against Adriana Trevino, All Square Inc., Issac V. Garcia, and IZK LLC, and granted the motion.

DISPOSITION

other

CASES CITED

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

OPINION

UNITED STATES DISTRICT COURT February 19, 2026 SOUTHERN DISTRICT OF TEXAS
Nathan Ochsner, Clerk MCALLEN DIVISION CASSANDRA WHITAKER, as § putative
representative of the estate of § NASHYRA WHITAKER § § Plaintiff, § § VS. § Civil Case No.
7:23-cv-00339 § BIANCA FARMER, et al., § § Defendants. § ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE Pending before the Court is the February 3, 2026 Memorandum and Recommendation
("M&R") prepared by Magistrate Judge Peter Bray.

(Dkt. No. 85). Judge Bray made findings and conclusions and recommended that Plaintiff's
Second Amended Motion for Default Judgment, (Dkt. No. 76), be granted. (Dkt. No. 85). The
Parties were provided proper notice and the opportunity to object to the M&R. See 28 U.S.C. §
636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection.

As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308
(5th Cir. 2005). No plain error appears. Accordingly, the Court accepts the M&R and adopts it as
the opinion of the Court. It is therefore ordered that: (1) Judge Bray's M&R (Dkt. No. 85) is
ACCEPTED and ADOPTED in its entirety as the holding of the Court; (2) Default Judgment is
hereby entered against Adriana Trevino, All Square Inc., Issac V. Garcia, and IZK LLC; and (3)
Plaintiff's Second Amended Motion for Default Judgment, (Dkt.

No. 76), is GRANTED. It is SO ORDERED. Signed on February 18, 2026. DREW B. TIPTON
UNITED STATES DISTRICT JUDGE