

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TEXAS, EL PASO DIVISION

Cheyenne Galvan and Edward Galvan v. Swift Transportation Co. of
Arizona, LLC and Enrique Arroyo Nieto

Galvan · No. EP-24-CV-256-KC · Decided December 19, 2025

SUMMARY

The United States District Court for the Western District of Texas adopted a magistrate judge’s Report and Recommendation concerning Defendants’ Motion for Partial Summary Judgment. Because no objections were filed, the court applied the clearly erroneous, abuse of discretion, and contrary to law standard of review and denied the motion.

CASE DETAILS

COURT	United States District Court for the Western District of Texas, El Paso Division
WRITING FOR THE COURT	Kathleen Cardone
JURISDICTION	United States District Court for the Western District of Texas, El Paso Division
DECIDED	December 19, 2025
DOCKET	EP-24-CV-256-KC
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation recommending denial of defendants' motion for partial summary judgment. No party filed objections.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's report and recommendation, the court applies a clearly erroneous, abuse of discretion, and contrary to law standard of review. Portions to which objections are made receive de novo review under 28 U.S.C. § 636(b) (1)(C).
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

- summary judgment
- civil procedure

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

1. What standard of review applies when no party objects to a magistrate judge's report and recommendation?
2. Whether the report and recommendation recommending denial of defendants' motion for partial summary judgment should be adopted.

HOLDINGS

1. When the parties do not file written objections to a magistrate judge's report and recommendation, the district court reviews it under a clearly erroneous, abuse of discretion, and contrary to law standard.
2. The report and recommendation was adopted in its entirety, and defendants' motion for partial summary judgment was denied.

KEY QUOTATIONS

“When parties do not file written objections, courts apply a “clearly erroneous, abuse of discretion and contrary to law” standard of review to a report and recommendation.”

“Accordingly, the Court ADOPTS the R&R, ECF No. 82, in its entirety, and ORDERS that Defendants’ Motion for Partial Summary Judgment, ECF No. 72, is DENIED.”

FACTUAL BACKGROUND

The opinion does not describe the underlying motor-vehicle or other substantive facts of the dispute. The material procedural facts are that defendants filed a motion for partial summary judgment, the motion was referred to a magistrate judge, and the magistrate judge recommended denial.

PROCEDURAL HISTORY

The court referred defendants' motion for partial summary judgment to Magistrate Judge Laura Enriquez under 28 U.S.C. § 636(b). The magistrate judge recommended denying the motion. After the fourteen-day objection period expired without objections, the district court reviewed and adopted the report and recommendation in its entirety and denied the motion.

DISPOSITION

other

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

Galvan

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

CHEYENNE GALVAN and EDWARD §
GALVAN, §

§ Plaintiffs, § §

v. § CAUSE NO. EP-24-CV-256-KC

§

SWIFT TRANSPORTATION CO. OF §
ARIZONA, LLC; and ENRIQUE §

ARROYO NIETO, §

§ Defendants. §

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

On this day, the Court considered the case. On October 24, 2025, the Court referred Defendants' Motion for Partial Summary Judgment ("Motion"), ECF No. 72, to United States Magistrate Judge Laura Enriquez pursuant to 28 U.S.C. § 636(b). Oct. 24, 2025, Text Order. On December 4, 2025, the Magistrate Judge filed a Report and Recommendation ("R&R"), ECF No. 82, recommending that the Motion should be denied. Parties have fourteen days from service of a Report and Recommendation of a United States Magistrate Judge to file written objections. See 28 U.S.C. § 636(b)(1)(C).¹ Over fourteen days have elapsed since all parties were served with the R&R, and no objections have been filed. When parties do not file written objections, courts apply a "clearly erroneous, abuse of discretion and contrary to law" standard of review to a report and recommendation. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). After reviewing the R&R, the Court agrees with the Magistrate Judge's proposed findings of fact and conclusions of law and finds 1 Federal district courts conduct de novo review of those portions of a report and recommendation to which a party has objected. See 28 U.S.C. § 636(b)(1)(C) ("A judge . . . shall make a de novo determination of those portions of the report . . . to which objection is made"). that they are neither clearly erroneous nor contrary to law. See *id.* at 1221. Accordingly, the Court ADOPTS the R&R, ECF No. 82, in its entirety, and ORDERS that Defendants' Motion for Partial Summary Judgment, ECF No. 72, is DENIED. SO ORDERED. SIGNED this 19th day of December, 2025. qf CARDONE ;
UNJED STATES DISTRICT GE