

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.

OPINION

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