

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TEXAS, TYLER DIVISION

Christina Flores v. The Law Firm of Derek Williams, LLC d/b/a
Infinite Law Group

Flores · No. 6:25-cv-23-JDK-KNM · Decided April 2, 2026

SUMMARY

The United States District Court for the Eastern District of Texas adopted a magistrate judge’s Report and Recommendation after the defendant limited liability company failed to obtain new counsel or respond to court orders. The court struck the defendant’s answer, directed the Clerk to enter default, and ordered the plaintiff to file a motion for default judgment within 30 days of the entry of default.

CASE DETAILS

COURT	United States District Court for the Eastern District of Texas, Tyler Division
JURISDICTION	United States District Court for the Eastern District of Texas, Tyler Division
DECIDED	April 2, 2026
DOCKET	6:25-cv-23-JDK-KNM
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation after the defendant filed no objections. The court adopted the recommendation, struck the defendant's answer, ordered entry of default, and directed the plaintiff to move for default judgment.
STANDARD OF REVIEW	When no objections are filed to a magistrate judge's Report and Recommendation, the district court reviews factual findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law. De novo review applies if a party timely objects.
PRECEDENTIAL VALUE	Unknown; district court order adopting a magistrate judge's Report and Recommendation

TOPICS

default

default judgment

pleadings

civil procedure

consumer protection

PRACTICE AREAS

civil procedure

consumer protection

QUESTIONS PRESENTED

1. What standard of review applies when no party objects to a magistrate judge's Report and Recommendation?
2. Whether the magistrate judge's recommendation to strike the defendant's answer and enter default should be adopted after the defendant failed to obtain counsel or respond to court orders.
3. Whether the plaintiff should be required to file a motion for default judgment after entry of default.

HOLDINGS

1. When no timely objections are filed to a magistrate judge's Report and Recommendation, the district court reviews factual findings for clear error or abuse of discretion and reviews legal conclusions to determine whether they are contrary to law, rather than conducting de novo review.
2. A limited liability company may not represent itself in federal court and must appear through licensed counsel.
3. The court adopted the magistrate judge's recommendation, struck the defendant's answer, and ordered the Clerk to enter default because the unrepresented defendant failed to obtain counsel or respond to the court's orders.

KEY QUOTATIONS

"As a limited liability company, Defendant cannot represent itself in federal court."

"The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law."

FACTUAL BACKGROUND

Christina Flores sued The Law Firm of Derek Williams, LLC d/b/a Infinite Law Group for alleged violations of state and federal consumer-protection statutes. The defendant's counsel withdrew, leaving the limited liability company unrepresented. Despite receiving orders requiring it to report on efforts to obtain counsel and show cause regarding possible sanctions, the defendant neither obtained counsel nor responded.

PROCEDURAL HISTORY

Plaintiff filed an action alleging violations of state and federal consumer-protection statutes. Defendant answered, but its counsel withdrew in September 2025, and the limited liability company did not obtain substitute counsel or respond to orders directing it to provide a status update and show cause why its answer should not be stricken. Magistrate Judge K. Nicole Mitchell recommended striking the answer, entering default,

and requiring a motion for default judgment. After the objection period expired without objections, the district court adopted the recommendation.

DISPOSITION

other

CASES CITED

- Rowland v. California Men's Colony, 506 U.S. 194, 201-02 (1993)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)
- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)

OPINION

Flores

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CHRISTINA FLORES, §

§ Plaintiff, § § v. § Case No. 6:25-cv-23-JDK-KNM §

THE LAW FIRM OF DEREK §

WILLIAMS, LLC d/b/a INFINITE §

LAW GROUP, §

§ Defendant. §

ORDER ADOPTING REPORT AND RECOMMENDATION

OF UNITED STATES MAGISTRATE JUDGE

Plaintiff filed this action against Defendant The Law Firm of Derek Williams, LLC, alleging violations of various state and federal consumer protection statutes. Docket No. 1. Defendant appeared through counsel and filed an answer. Docket No. 15. The case was referred to United States Magistrate Judge K. Nicole Mitchell in accordance with 28 U.S.C. § 636. Defendant has been unrepresented since its counsel withdrew in September 2025. As a limited liability company, Defendant cannot represent itself in federal court. See, e.g., Rowland v. California Men's Colony, 506 U.S. 194, 201–02

(1993) (“[T]he lower courts have uniformly held that 28 U.S.C. § 1654 . . . does not

allow corporations, partnerships, or associations to appear in federal court otherwise than by licensed counsel.”). Judge Mitchell therefore ordered Defendant to provide a status update regarding its efforts to obtain new counsel. Docket No. 27. After no status update was forthcoming, Judge Mitchell issued an order to show cause why the Court should not strike Defendant's answer from the record and allow Plaintiff to pursue default judgment. Docket No.

32. Despite acknowledging receipt of Judge Mitchell's orders, Defendant neither obtained new counsel nor otherwise responded. Docket No. 30; Docket No. 33. Accordingly, on March 8, 2026, Judge Mitchell issued a Report and Recommendation recommending that the Court strike Defendant's answer from the record, order the Clerk to enter default against Defendant, and order Plaintiff to file a motion for default judgment within 30 days of the Clerk's entry of default. Docket No. 34. Defendant acknowledged receipt of the Report and Recommendation on March 16, 2026. Docket No. 35. No written objections have been filed, and the time for filing objections has passed. This Court reviews the findings and conclusions of the Magistrate Judge de novo only if a party objects within fourteen days of service of the Report and Recommendation. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), superseded on other grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). Here, no objections were filed. The Court therefore reviews the Magistrate Judge's findings for clear error or abuse of discretion and reviews her legal conclusions to determine whether they are contrary to law. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (holding that, if no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law"). Having reviewed the Magistrate Judge's Report and Recommendation, the Court finds no clear error or abuse of discretion and no conclusions contrary to law. Accordingly, the Court hereby ADOPTS the Report and Recommendation of the United States Magistrate Judge (Docket No. 34) as the opinion of this Court. Defendant's answer (Docket No. 15) is STRICKEN, and the Clerk is ORDERED to enter default against Defendant. Plaintiff is ORDERED to file a motion for default judgment within 30 days of the Clerk's entry of default. So ORDERED and SIGNED this 2nd day of April, 2026.)
UNITED STATES DISTRICT JUDGE