

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, CORPUS CHRISTI DIVISION

MidFirst Bank v. Brandi Berry, et al.

MidFirst Bank v. Berry · No. 2:25-CV-00072 · Decided December 30, 2025

SUMMARY

The United States District Court for the Southern District of Texas adopted a magistrate judge’s Memorandum and Recommendation after no party filed objections. The court granted the parties’ joint motion for entry of a second amended agreed order concerning the interests of two minors and stated that the agreed order would be entered separately.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Corpus Christi Division
WRITING FOR THE COURT	David S. Morales
JURISDICTION	United States District Court for the Southern District of Texas, Corpus Christi Division
DECIDED	December 30, 2025
DOCKET	2:25-CV-00072
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Memorandum and Recommendation after the parties received notice and an opportunity to object. No timely objection was filed.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's Memorandum and Recommendation, the district court reviews the recommendation for clear error or whether it is contrary to law.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not stated.

TOPICS

- civil procedure
- motions to dismiss

PRACTICE AREAS

- civil procedure
- federal courts
- magistrate judge recommendations

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Memorandum and Recommendation when no timely objection was filed.
2. Whether the parties' Joint Motion for Entry of Second Amended Agreed Order as to the Interests of Minors G.S. and B.S. should be granted.

HOLDINGS

1. When no timely objection is filed, the district court need only determine whether the magistrate judge's Memorandum and Recommendation is clearly erroneous or contrary to law.
2. The court adopted the Memorandum and Recommendation in its entirety and granted the parties' Joint Motion for Entry of Second Amended Agreed Order as to the Interests of Minors G.S. and B.S.

KEY QUOTATIONS

“When no timely objection has been filed, the district court need only determine whether the Magistrate Judge’s M&R is clearly erroneous or contrary to law.”

“Accordingly, the Court GRANTS the parties’ Joint Motion for Entry of Second Amended Agreed Order as to the Interests of Minors G.S. and B.S. (D.E. 28).”

FACTUAL BACKGROUND

The parties sought entry of a second amended agreed order concerning the interests of minors G.S. and B.S. The magistrate judge issued a Memorandum and Recommendation addressing the requested relief, and no party filed an objection.

PROCEDURAL HISTORY

Magistrate Judge Jason Libby issued a Memorandum and Recommendation concerning the parties' Joint Motion for Entry of Second Amended Agreed Order as to the interests of minors G.S. and B.S. The parties did not object. The district court found the M&R neither clearly erroneous nor contrary to law, adopted it in its entirety, granted the joint motion, and stated that it would enter the agreed order separately.

DISPOSITION

other

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam)
- Powell v. Litton Loan Servicing, L.P., No. 4:14-CV-02700, 2015 WL 3823141, at *1 (S.D. Tex. June 18, 2015)

OPINION

Southern District of Texas ENTERED UNITED STATES DISTRICT COURT December 30, 2028
SOUTHERN DISTRICT OF TEXAS Nathan Ochsner, Clerk CORPUS CHRISTI DIVISION
MIDFIRST BANK, § Plaintiff,:: CIVIL ACTION NO. 2:25-CV-00072 BRANDI BERRY, ef al.,:
Defendants.: ORDER ADOPTING MEMORANDUM & RECOMMENDATION Before the Court
is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R").

(D.E. 29). The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); General Order No. 2002-13. No objection has been filed. When no timely objection has been filed, the district court need only determine whether the Magistrate Judge's M&R is clearly erroneous or contrary to law.

United States v. Wilson, 864 F.2d 1219, 1221 (Sth Cir. 1989) (per curiam); Powell v. Litton Loan Servicing, L.P., No.4:14-CV-02700, 2015 WL3823141,at*1(S.D. Tex. June 18,2015) (Harmon, J.) (citation omitted). Having reviewed the proposed findings and conclusions of the Magistrate Judge, the filings of the parties, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court ADOPTS the M&R in its entirety.

(D.E. 29). Accordingly, the Court GRANTS the parties' Joint Motion for Entry of Second Amended Agreed Order as to the Interests of Minors G.S. and B.S. (D.E. 28). The Court will enter the agreed order separately. SO ORDERED. S. MORALES UNITED STATES DISTRICT JUDGE Signed: Corpus Christi, Texas December 30, 2026