

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, SHREVEPORT DIVISION

Mark Anthony Troxler v. Denis McDonough et al.

Mark Anthony Troxler v. Denis McDonough et al. · No. 25-cv-074 LEAD · Decided March 3, 2026

SUMMARY

The U.S. District Court for the Western District of Louisiana denies or rejects the plaintiff's repeated requests for a default judgment against the federal government and explains that Federal Rule of Civil Procedure 55(d) requires substantial evidence supporting a claim before default judgment may be entered against the United States. The court warns the plaintiff to stop filing meritless submissions and personal attacks on counsel, stating that continued improper filings could result in dismissal as a sanction.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Shreveport Division
WRITING FOR THE COURT	Mark L. Hornsby, U.S. Magistrate Judge
JURISDICTION	United States District Court for the Western District of Louisiana, Shreveport Division
DECIDED	March 3, 2026
DOCKET	25-cv-074 LEAD
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for default judgment against the Secretary of the Department of Veterans Affairs and challenged the government's request for additional time to respond. The court issued a memorandum order addressing the default-judgment requests and warning plaintiff that continued meritless or improper filings and personal attacks on counsel could result in dismissal as a sanction.
STANDARD OF REVIEW	A default judgment against the United States, its officers, or its agencies requires evidence satisfying the court and substantial evidence supporting the claimant's entitlement to relief; default judgments are disfavored and cases are generally resolved on their merits.
PRECEDENTIAL VALUE	Unknown; memorandum order from a federal district court

TOPICS

default judgment

sanctions

civil procedure

ada discrimination

employment discrimination

PRACTICE AREAS

civil procedure

employment law

civil rights

ada / disability

QUESTIONS PRESENTED

1. Whether Troxler was entitled to a default judgment against the United States or its officers based on an alleged procedural failure to respond timely.
2. Whether continued meritless filings and personal attacks on opposing counsel warranted a warning that dismissal could be imposed as a sanction.

HOLDINGS

1. A default judgment may not be entered against the United States, its officers, or its agencies based merely on a procedural default; the claimant must establish the claim or right to relief with evidence satisfying the court, which requires substantial evidence. Troxler did not make that showing and was not entitled to default judgment.
2. The court warned Troxler that continued filing of meritless or improper submissions containing personal attacks on counsel could result in dismissal of his case as an appropriate sanction.

KEY QUOTATIONS

“Default judgments are a drastic remedy, not favored by the Federal Rules and resorted to by the courts only in extreme situations.”

“A default judgment may be entered against the United States, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the court.”

“If Troxler continues to file documents with such inappropriate personal commentary and attacks, the court will consider dismissing his case as an appropriate sanction.”

FACTUAL BACKGROUND

Dr. Mark Troxler brought an action alleging ADA and other employment discrimination by the Department of Veterans Affairs. The government appeared through the U.S. Attorney, sought and obtained a stay during a government shutdown, and later obtained additional time to file responsive pleadings after appropriations were restored. Troxler repeatedly sought default judgment and filed submissions containing personal attacks on government counsel, despite prior warnings about meritless motions and appeals.

PROCEDURAL HISTORY

Dr. Troxler filed an action alleging ADA and other employment-discrimination violations. The court stayed the case during a government shutdown, later granted the government's request for additional time to file responsive pleadings, and Judge Hicks affirmed the non-stay orders while finding the stay appeal moot. After that ruling,

Troxler filed another document seeking default judgment and criticizing opposing counsel. The magistrate judge warned him that the requests lacked legal merit and that continued improper filings could lead to dismissal.

DISPOSITION

other

CASES CITED

- Amos v. Palmetto Gov't Benefit Adm'r, 122 F. App'x 105, 109 (5th Cir. 2005)
- Rogers v. Hartford Life & Accident Insurance Co., 167 F.3d 933, 936 (5th Cir. 1999)
- Benavides v. Trump, 2019 WL 8273464, at *3 (W.D. Tex. 2019)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA SHREVEPORT
DIVISION MARK ANTHONY TROXLER CIVIL ACTION NO. 25-cv-074 LEAD VERSUS
JUDGE S. MAURICE HICKS, JR. DENIS MCDONOUGH ET AL MAGISTRATE JUDGE
HORNSBY MEMORANDUM ORDER Dr. Mark Troxler filed this civil action and asserted violations of the ADA and other alleged acts of employment discrimination.

The U.S. Attorney appeared on behalf of the Secretary of the Department of Veterans Affairs and filed a motion to stay the case during a government shutdown. The request was granted. After appropriations were restored, the U.S. Attorney filed a motion to lift the stay.

The motion noted the recent inundation of this district with habeas petitions related to immigration disputes, which have imposed a tremendous burden on the U.S. Attorney and the court, and requested 21 days to file responsive pleadings.

The undersigned granted the request. Doc. 60. Dr. Troxler earlier filed an appeal to Judge Hicks of the shutdown stay and three other orders issued by the undersigned. Judge Hicks recently issued a memorandum ruling (Doc. 61) that denied Troxler's appeal of the stay order—because it is now moot—and affirmed the other orders.

The ruling included an observation that Troxler has “repeatedly filed motions and appeals challenging routine rulings” that lacked “any arguable legal or factual basis.” Troxler was warned that he should carefully review applicable standards before submitting additional motions or appeals and should refrain from filing pleadings that lack a legitimate legal basis.

Four days after Judge Hicks' ruling issued, Dr. Troxler filed a document titled Denial for Motion by Defendant to Delay this Case Further by U.S. Magistrate Judge Mark L. Hornsby. The filing also included the title Affidavit to Overrule Defendant Motion to Delay this Case Further and Grant a Default Judgment. Doc. 63.

The filing discusses Troxler's five previous requests for default judgment that he says are based on the failures of the Assistant United States Attorney who is handling this case. "Default judgments are a drastic remedy, not favored by the Federal Rules and resorted to by the courts only in extreme situations." *Amos v. Palmetto Gov't Benefit Adm'r*, 122 Fed.

Appx. 105, 109 (5th Cir. 2005). The Fifth Circuit has "adopted a policy in favor of resolving cases on their merits and against the use of default judgments." *Rogers v. Hartford Life and Accident Ins. Co.*, 167 F.3d 933, 936 (5th Cir. 1999). Even if Troxler filed evidence of valid service and showed that the defendant did not timely respond, Federal Rule of Civil Procedure 55(d) prevents a default judgment from being entered against the government because of a mere procedural default.

It provides: "A default judgment may be entered against the United States, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence that satisfies the court." That requirement must be met by a showing of substantial evidence supporting the movant's claim. *Benavides v. Trump*, 2019 WL 8273464, *3 (W.D. Tex. 2019). See also *Wright & Miller*, 10A Fed.

Prac. & Proc. Civ. § 2702 (4th ed.). It is readily apparent that the government intends to defend this litigation, and Troxler has not demonstrated by substantial evidence that he is entitled to relief. There is zero chance that any of Troxler's requests for default judgment would withstand legal review. Troxler should immediately cease making meritless requests for a default judgment.

Troxler's most recent filing is filled with personal attacks on counsel that will not be repeated here. The primary reason for this order is to warn Dr. Troxler as clearly as possible that such personal and unprofessional attacks on counsel will not be allowed to continue without consequences. If Troxler continues to file documents with such inappropriate personal commentary and attacks, the court will consider dismissing his case as an appropriate sanction.

Dr. Troxler has now twice been warned about filing meritless or improper submissions. There may not be a third warning. **THUS DONE AND SIGNED** in Shreveport, Louisiana, this 3rd day of March, 2026. cA Mark □□ Hornsby U.S. Magistrate Judge Page 3 of 3