

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Joey Douglas Martin v. ABM Facility Services

Martin · No. 4:25-cv-04251 · Decided March 25, 2026

SUMMARY

The United States District Court for the Southern District of Texas adopts a magistrate judge’s Memorandum and Recommendation recommending denial of the plaintiff’s motion to alter or amend the judgment. The court overrules the plaintiff’s objections, finds no clear error, and denies the motion.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Charles Eskridge
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 25, 2026
DOCKET	4:25-cv-04251
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to alter or amend a final judgment entered after the court granted Defendant's motion to dismiss. A magistrate judge recommended denying the motion, Plaintiff objected, and the district court conducted de novo review of the specifically objected-to portions before adopting the recommendation and denying the motion.
STANDARD OF REVIEW	The district court reviews de novo those portions of a magistrate judge's recommendation to which a party specifically objects, and may accept unobjected-to portions if no clear error appears on the face of the record.
PRECEDENTIAL VALUE	Nonprecedential district court order

TOPICS

- motion for reconsideration
- motions to dismiss
- civil procedure

PRACTICE AREAS

civil procedure

employment law

QUESTIONS PRESENTED

1. Whether the district court should sustain Martin's objections to the magistrate judge's recommendation concerning his motion to alter or amend the final judgment.
2. Whether Martin demonstrated manifest legal error warranting alteration or amendment of the judgment.

HOLDINGS

1. A district court reviews de novo the conclusions of a magistrate judge to which a party specifically objects and may accept unobjected-to portions when no clear error appears on the face of the record.
2. Martin was not entitled to alter or amend the judgment because his objections and motion lacked merit and failed to demonstrate manifest legal error in the prior dismissal order.

KEY QUOTATIONS

“On de novo review and determination, they are scattershot and lacking in merit.”

“He otherwise fails to demonstrate that the prior order relied on manifest legal error.”

FACTUAL BACKGROUND

Plaintiff Joey Douglas Martin proceeded pro se and asserted claims against ABM Facility Services related to garnishment of his wages. The district court had previously granted ABM's motion to dismiss and entered final judgment. Martin later sought to alter or amend that judgment, relying on arguments the court characterized as old, unavailing, and insufficient to show manifest legal error.

PROCEDURAL HISTORY

Martin sued ABM Facility Services over claims related to garnishment of his wages. The district court previously granted ABM's motion to dismiss and entered final judgment. After Martin moved to alter or amend the judgment, Magistrate Judge Christina A. Bryan recommended denial. The district court overruled Martin's objections, adopted the Memorandum and Recommendation, and denied the motion.

DISPOSITION

other

CASES CITED

- United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir. 1989)
- Guillory v. PPG Industries, Inc., 434 F.3d 303, 308 (5th Cir. 2005)
- Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc)

OPINION

March 25, 2026 Nathan Ochsner, Clerk UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION JOEY DOUGLAS MARTIN, § CIVIL ACTION NUMBER Plaintiff, § 4:25-cv-04251 § § versus § JUDGE CHARLES ESKRIDGE § § ABM FACILITY SERVICES, § Defendant. § ORDER ADOPTING MEMORANDUM AND RECOMMENDATION Plaintiff Joey Douglas Martin proceeds here pro se. He sued Defendant ABM Facility Services for claims related to garnishment of his wages.

Dkt 1 at ¶2. The matter was referred for disposition to Magistrate Judge Christina A. Bryan. Dkt 13. Prior order granted a motion by Defendant to dismiss and entered final judgment. Dkt 24; see also Dkt 7 (motion). Plaintiff now moves to alter or amend that judgment. Dkt 25. Judge Bryan entered a Memorandum and Recommendation recommending the motion be denied.

Dkt 27. The district court reviews de novo those conclusions of a magistrate judge to which a party has specifically objected. See FRCP 72(b)(3) & 28 USC § 636(b)(1)(C); see also *United States v Wilson*, 864 F2d 1219, 1221 (5th Cir 1989, per curiam).

The district court may accept any other portions to which there's no objection if satisfied that no clear error appears on the face of the record. See *Guillory v PPG Industries Inc*, 434 F3d 303, 308 (5th Cir 2005), citing *Douglass v United Services Automobile Association*, 79 F3d 1415, 1430 (5th Cir 1996, en banc); see also FRCP 72(b) advisory committee note (1983).

Plaintiff filed objections. Dkt 28. On de novo review and determination, they are scattershot and lacking in merit. In both the motion and objections, Plaintiff relies on old, unavailing arguments. He otherwise fails to demonstrate that the prior order relied on manifest legal error.

The objections by Plaintiff Joey Douglas Martin to the Memorandum and Recommendation of the Magistrate Judge are OVERRULED. Dkt 28. No clear error otherwise appears upon review and consideration of the Memorandum and Recommendation, the record, and the applicable law.

The Memorandum and Recommendation of the Magistrate Judge is ADOPTED as the Memorandum and Order of this Court. Dkt 27. The motion by Plaintiff Joey Douglas Martin to alter or amend judgment is DENIED. Dkt 25. SO ORDERED. Signed on March 25, 2026, at Houston, Texas. Z. Honorable Charles Kskridge United States District Judge