

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

**Gilcom Produce Distributing, LLC v. Grow Fresh Produce Company,  
LLC**

Gilcom Produce · No. 7:25-CV-00077 · Decided January 27, 2026

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**SUMMARY**

The United States District Court for the Southern District of Texas accepted and adopted a magistrate judge's Memorandum and Recommendation concerning Plaintiff's challenge to an adverse Perishable Agricultural Commodities Act reparation decision. Because no party objected and no plain error appeared, the court denied the petition for reconsideration and dismissed the action for failure to prosecute.

**OPINION**

UNITED STATES DISTRICT COURT January 27, 2026 SOUTHERN DISTRICT OF TEXAS  
Nathan Ochsner, Clerk MCALLEN DIVISION GILCOM PRODUCE DISTRIBUTING, § LLC, §  
§ Plaintiff, § § v. § Civil Action No. 7:25-CV-00077 § GROW FRESH PRODUCE § COMPANY,  
LLC, § § Defendant. § ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE Pending before the  
Court is the January 7, 2026, Memorandum and Recommendation ("M&R") prepared by  
Magistrate Judge Nadia S. Medrano.

(Dkt. No. 7). Judge Medrano made findings and conclusions and recommended that this civil action seeking to appeal an adverse decision in a Perishable Agricultural Commodities Act ("PACA") reparation proceeding, (Dkt. No. 1), be dismissed due to Plaintiff's failure to prosecute, (Dkt. No. 7).

The Parties were provided proper notice and the opportunity to object to the M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that: (1) Judge Medrano's M&R, (Dkt. No. 7), is ACCEPTED and ADOPTED in its entirety as the holding of the Court; (2) Plaintiff's Petition for Reconsideration, (Dkt. No. 1), is DENIED; (3) This civil action is DISMISSED for failure to prosecute. It is SO ORDERED.

Signed on January 27, 2026. DREW B. TIPTON UNITED STATES DISTRICT JUDGE

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