

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

OPINION

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

PER CURIAM.

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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