

United States District Court
Southern District of Texas

ENTERED

March 08, 2021

Nathan Ochsner, Clerk

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

FRED G. MARTINEZ,

Plaintiff,

VS.

NUECES COUNTY, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-158

ORDER

The Court is in receipt of the Memorandum and Recommendation (“M&R”) to deny Plaintiff Fred G. Martinez (“Martinez”) Motions for Default Judgment. Dkt. No. 145. The Court is also in receipt of Martinez’s objections to the M&R. Dkt. No. 158.

Martinez moved for default judgment because he claimed Defendants had filed their answer one day after the deadline set by the Court. Dkt. No. 112, 131, 132, 140, 144. The Magistrate Judge determined that the answer was timely because it was filed within 45 days of Defendants’ receipt of the service of the summons and amended complaint. Dkt. No. 145.

The Court reviews objected-to portions of a Magistrate Judge’s proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). But if the objections are frivolous, conclusive or general in nature the court need not conduct a de novo review. *Battle v. United States Parole Comm’n*, 834 F.2d 419 (5th Cir. 1987).

Martinez’s objections are legally and factually irrelevant to the issue in the M&R and the Court **OVERRULES** Martinez’s objections as frivolous. *See id.*

After review of the briefing, record and relevant law, the Court **ADOPTS** the M&R in its entirety and hereby **DENIES** Martinez's motions for default judgment, Dkt. Nos. 112, 131, 132, 140, 144.

SIGNED this 8th day of March, 2021.

A handwritten signature in black ink, appearing to read "Hilda Tagle", written over a horizontal line.

Hilda Tagle
Senior United States District Judge