

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JASON CONTRERAS,

Plaintiff,

v.

Case No. 5:24-CV-01115-JKP

CAR MAX AUTO SUPERSTORES,
INC.,

Defendant.

**ORDER ACCEPTING REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Before the Court is Magistrate Judge Elizabeth S. Chestney's Report and Recommendation recommending this action be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and comply with Court orders. *ECF No. 6*. No party filed any objection to the Magistrate Judge's Report and Recommendation, and the time for doing so expired.

Any party who seeks review of all or a portion of a Magistrate Judge's Report and Recommendation must serve and file specific written objections within fourteen days after being served with a copy. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). If a party does not timely object to all or a portion of a Magistrate Judge's Report and Recommendation, the District Court will review the unobjected-to proposed findings and recommendations to determine whether they are clearly erroneous or contrary to law. *Johnson v. Sw. Research Inst.*, 210 F. Supp.3d 863, 864 (W.D. Tex. 2016) (citing *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.) (per curiam), *cert. denied*, 492 U.S. 918 (1989)).¹

¹ While Federal Rule 72(b) does not facially require any review in the absence of a specific objection, the advisory committee notes following its adoption in 1983 state: "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Further, failure to

Consistent with § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2), the Court reviewed the subject Report and Recommendation entered by Magistrate Judge Elizabeth S. Chestney for clear error on the face of the record. This Court finds no such error. Accordingly, the Court **ACCEPTS** Magistrate Judge Elizabeth S. Chestney's findings and recommendation and **ADOPTS** the Report and Recommendation. *ECF No. 6*. As recommended, this case is **DISMISSED** for failure to prosecute and failure to comply with a Court order. The Clerk of Court is **DIRECTED** to close this case.

To facilitate timely receipt of this Order, the Clerk of Court is further DIRECTED to email a copy of this Order to Martin at:

- 1) contrerasjason745@gmail.com; and
- 2) jayc21000@gmail.com

The Clerk of Court is further DIRECTED to mail, via certified mail with return receipt requested, a copy of this Order to:

- 1) Jason Contreras, 5342 La Cresenta St., San Antonio, Texas 78228

It is so ORDERED.
SIGNED this 2nd day of January, 2025.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE

object shall also bar appellate review of those portions of the Magistrate Judge's Report and Recommendation that were ultimately accepted by the district court, unless the party demonstrates plain error. *Thomas v. Arn*, 474 U.S. 140, 150–53 (1985); *United States v. Wilson*, 864 F.2d at 1221.