

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAVIER T. SEBASTIAN on behalf of
himself and all others similarly
situated,

Plaintiff,

vs.

Case No. 2:10-cv-12-FtM-29DNF

ALLEGRO GROUP OF SWFL, INC. a
Florida Profit Corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #25), filed November 23, 2010, recommending that plaintiff's untitled Motion for a default (Doc. #24) be granted and a default be entered against defendant Allegro Group of SWFL, Inc. for failure to obtain counsel in compliance with the Court's Orders. No objections have been filed and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in

whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.


Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #25) is hereby **adopted** and plaintiff's untitled Motion for a default (Doc. #24) is **GRANTED**.

2. The Clerk shall enter a default against defendant Allegro Group of SWFL, Inc.

DONE AND ORDERED at Fort Myers, Florida, this 13th day of December, 2010.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Douglas N. Frazier
United States Magistrate Judge

Counsel of Record
Defendant