

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

TENIKA MCQUEEN,)	
)	
Plaintiff,)	
)	
v.)	CIVIL CASE NO. 2:24-cv-205-ECM
)	[WO]
FELICIA FRANKLIN FLOWERS,)	
)	
Defendant.)	

MEMORANDUM OPINION and ORDER

On June 14, 2024, the Magistrate Judge entered a Recommendation that Plaintiff Tenika McQueen’s motion for default (doc. 15) be denied because the record did not reflect that the Defendant has been served. (Doc. 18). On June 27, 2024, the Plaintiff timely filed objections to the Magistrate Judge’s Recommendation. (Doc. 19).

After carefully reviewing the record in this case, the Recommendation of the Magistrate Judge, and the Plaintiff’s objections, the Court concludes that the Plaintiff’s objections are due to be overruled, the Recommendation of the Magistrate Judge is due to be adopted, and the Plaintiff’s motion for default is due to be denied.

When a party objects to a Magistrate Judge’s Report and Recommendation, the district court must review the disputed portions *de novo*. 28 U.S.C. § 636(b)(1); *see also United States v. Raddatz*, 447 U.S. 667, 674 (1980). The district court “may accept, reject, or modify the recommended disposition; receive further evidence; or resubmit the matter to the magistrate judge with instructions.” 28 U.S.C. § 636(b)(1). *De novo* review requires that the district court independently consider factual issues based on the record. *Jeffrey S.*

by *Ernest S. v. State Bd. of Educ. of State of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990). However, objections to the Magistrate Judge’s Report and Recommendation must be sufficiently specific in order to warrant *de novo* review. See *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988) (“Whenever any party files a timely and specific objection to a finding of fact by a magistrate [judge], the district court has an obligation to conduct a *de novo* review of the record with respect to that factual issue.”). Otherwise, a Report and Recommendation is reviewed for clear error.

The Magistrate Judge recommended that the Plaintiff’s motion for default be denied because it did not appear that service has been effectuated on the Defendant. (Doc. 18 at 2). In her objections, the Plaintiff states that she previously sent the Defendant a certified letter, and that the Defendant “will not reply to what ever [sic] is sent because she knows how to manipulate the system.” (Doc. 19-1 at 1). These objections, however, fail to show that the Magistrate Judge erred in concluding that service has not been effectuated on the Defendant in this case. Consequently, the Plaintiff’s objections are due to be overruled.

Accordingly, upon an independent review of the record, and for good cause, it is ORDERED as follows:

1. The Plaintiff’s objections (doc. 19) are OVERRULED;
2. The Recommendation of the Magistrate Judge (doc. 18) is ADOPTED;
3. The Plaintiff’s motion for default (doc. 15) is DENIED;
4. This case is REFERRED back to the Magistrate Judge for further proceedings.

DONE this 3rd day of July, 2024.

/s/ Emily C. Marks
EMILY C. MARKS
CHIEF UNITED STATES DISTRICT JUDGE