

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KAREN ROBERTS individually; ROBIN
MURPHY individually,

Plaintiffs,

vs.

Case No. 2:08-cv-880-FtM-29SPC

SAN MARINO NAPLES, LLC, and N. BERRY
TAYLOR, individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #37), filed July 27, 2010, recommending that a Clerk's default be entered against defendant San Marino Naples, LLC for failure to obtain counsel as directed. 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. The Court notes that mail was consistently undeliverable at the Venice, Florida address (771 Commerce Dr., Suite 1), and that later Orders and the Report and Recommendation were sent to additional addresses in Venice and Nokomis, Florida successfully.


Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #37) is hereby **adopted**.
2. The Clerk shall enter a default against San Marino Naples, LLC.
3. The Clerk shall send a copy of this Opinion and Order to the addresses listed in the Report and Recommendation (Doc. #37, p. 2) but not to the address listed on the docket on Commerce Drive.

The Clerk is further directed to update the docket to reflect these other available addresses.

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



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties