

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case No. 2:10-cv-577-FtM-29DNF

BIH CORPORATION, WAYNE A. BURMASTER,  
EDWARD A. HAYTER, NORTH BAY SOUTH  
CORPORATION, BIMINI REEF REAL  
ESTATE, INC., RIVERVIEW CAPITAL  
INC., CHRISTPHER L. ASTROM, DAMIAN  
B. GUTHRIE, BARON INTERNATIONAL  
INC., THE CADDO CORPORATION, BEAVER  
CREEK FINANCIAL CORPORATION,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #101), filed May 30, 2012, recommending that plaintiff's Motion for Entry of Clerk's Default (Doc. #92) be granted in part and denied in part, a Clerk's default be entered against defendants BIH Corporation and North Bay South Corporation, and relief defendants The Caddo Corporation and Beaver Creek Financial Corporation, and that the motion be denied as to defendant Baron International, Inc. 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. #101) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Motion for Entry of Clerk's Default (Doc. #92) is **granted in part and denied in part**. The motion is granted as to defendants BIH Corporation and North Bay South Corporation, and relief defendants The Caddo Corporation and Beaver Creek Financial Corporation, and the motion is denied as to defendant Baron International, Inc.

3. The Clerk shall enter a default against defendants BIH Corporation and North Bay South Corporation, and relief defendants The Caddo Corporation and Beaver Creek Financial Corporation.

**DONE AND ORDERED** at Fort Myers, Florida, this 25th day of June, 2012.

  
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**JOHN E. STEELE**  
United States District Judge

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

Counsel of Record  
Unrepresented parties