

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ALBERT M. ROBINSON,

Plaintiff,

v. Case No: 2:13-cv-616-FtM-29DNF

MARIANITO O. ASPERILLA and
KURT R. SEPTER,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #59), filed February 9, 2015, recommending that Clerk's defaults be entered against defendants. 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. As a result of the defaults, the Court will cancel all scheduled hearings. As plaintiff is *pro se*, the Court would caution that a judgment pursuant to Fed. R. Civ. P. 55(b) must be sought "without delay". M.D. Fla. R. 1.07(b).

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #59) is hereby **adopted** and the findings incorporated herein.

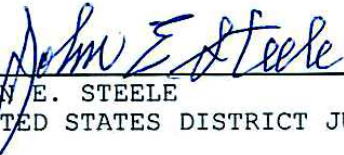
2. The Clerk is directed to enter defaults against defendants Marianito Asperilla and Kurt Septer.

3. The Final Pretrial Conference and trial term are **cancelled** and the deadlines will be terminated.

4. Plaintiff shall seek a default judgment against defendants within **SIXTY (60) DAYS** of this Opinion and Order, or **by end of business on May 6, 2015**.

5. The failure to file a motion for default judgment will result in the dismissal of the case for failure to prosecute, without further notice or order.

DONE and ORDERED at Fort Myers, Florida, this 6th day of March, 2015.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

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

Counsel of Record
Unrepresented parties