

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JAMES ROTH, an individual,

Plaintiff,

v.

Case No: 2:14-cv-227-FtM-29CM

ABCW, LLC, a Florida limited  
liability corporation and  
CATARINO A. BORREGO, an  
individual,

Defendants.

---

**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #29), filed January 13, 2016, recommending that defendants' Answer and Affirmative Defenses (Doc. #12) be stricken, a default be entered against defendants, and plaintiff be directed to move for a default judgment. No objections have been filed and the time to do so has expired. Copies were mailed to defendants on January 15, 2016.

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:**

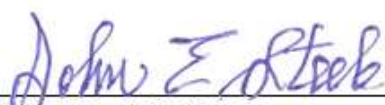
1. The Report and Recommendation (Doc. #29) is hereby **adopted** and the findings incorporated herein.

2. Defendants' Answer and Affirmative Defenses (Doc. #12) is **STRICKEN**. The Clerk shall make a notation on the docket.

3. The Clerk shall enter a default against defendants.

4. Plaintiff shall file a motion for default judgment within **SIXTY (60) DAYS** of this Order pursuant to M.D. Fla. R. 1.07(b).

**DONE and ORDERED** at Fort Myers, Florida, this 1st day of January, 2016.

  
\_\_\_\_\_  
JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:

Hon. Carol Mirando  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties