

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RONALD WHETSELL, an
individual,

Plaintiff,

v.

Case No: 2:14-cv-316-FtM-29DNF

M&M REALTY SOLUTIONS, LLC, a
Florida limited liability
company and ANGEL GONZALEZ,
an individual,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #23), filed April 27, 2015, recommending that defaults be entered against defendants Angel Gonzalez and M & M Realty Solutions, LLC. 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 will also strike the Answer filed by defendants.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #23) is hereby **adopted** and the findings incorporated herein.

2. The Clerk is directed to enter defaults against both defendants.

3. Based on the defaults, the Answer to Amended Complaint (Doc. #13) is **stricken** and the Clerk shall make a notation on the docket.

4. Plaintiff shall seek a default judgment within **SIXTY (60) DAYS** of the entry of the defaults.

DONE and ORDERED at Fort Myers, Florida, this 18th day of May, 2015.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

Copies:

Hon. Douglas N. Frazier
United States Magistrate Judge

Counsel of Record
Unrepresented parties