

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

EDWARD SANTANA,

Plaintiff,

v.

Case No: 2:16-cv-190-FtM-38MRM

THE DUKE, LLC and FABIO  
BONIFACIO,

Defendants.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 57](#)) filed on May 16, 2017.<sup>2</sup> Judge McCoy recommends granting in part and denying in part Plaintiff *pro se* Edward Santana's Motion for Final Default Judgment ([Doc. 46](#)). Because no objections have been filed to the Report and Recommendation, this matter is ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

<sup>2</sup> The objection period was extended because copies were not initially furnished to the parties. ([Doc. 58](#)).

may also receive further evidenced or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file carefully and independently, and upon considering Judge McCoy’s findings and recommendations submitted after holding an evidentiary hearing on the matter, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

(1) The Report and Recommendation ([Doc. 57](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.

(2) Plaintiff’s Motion for Default Judgment ([Doc. 46](#)) is **GRANTED IN PART AND DENIED IN PART**. Specifically, the Motion is granted as to Counts 1, 2, 6, and 7, and is otherwise denied.

(3) The Clerk shall enter default judgment in favor of Plaintiff and against Defendants as follows:

- (a) as to Count 1 for unpaid minimum wages in the amount of \$816.95, an equal amount of liquidated damages in the amount of \$816.95, and \$50.00 in costs, totaling \$1,683.90;
- (b) as to Count 2 for retaliation in the amount of \$23,764.90, and an equal amount of liquidated damages in the amount of \$23,764.90, for a total of \$47,529.80;
- (c) as to Counts 6 and 7 for false imprisonment and/or false arrest in the amount of \$290.00;
- (d) Counts 3, 4, and 5 are dismissed without prejudice.

(4) After the entry of judgment, the Clerk is directed to terminate all pending matters and to close the file.

**DONE** and **ORDERED** in Fort Myers, Florida this 15th day of June, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies:  
Hon Mac R. McCoy  
All Parties of Record