

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

KALOYAN ANGUELOV, for  
himself and on behalf of  
those similarly situated,

Plaintiff,

v.

Case No: 2:16-cv-273-FtM-99CM

EVENT PARKING, INC., a  
Florida profit corporation  
and KENNETH BENSON,  
individually,

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. #37), filed December 28, 2016, recommending that a Clerk's Default be entered against both 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 the withdrawal of counsel, the Magistrate Judge provided an extension of time for defendants to comply with the August 1, 2016 Order (Doc. #27) permitting the withdrawal by filing an appearance (Kenneth Benson) and by appearing through new counsel (Event Parking, Inc.). (Doc. #34.) On November 29, 2016, finding no appearances by defendants, the Magistrate Judge issued an Order to show cause. (Doc. #35.) Finding no response or appearance, the Report and Recommendation was issued. 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, and will further strike the Amended Answer and Defenses (Doc. #17) filed by counsel prior to withdrawal.

Accordingly, it is now

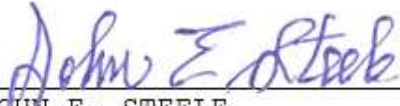
**ORDERED:**

1. The Report and Recommendation (Doc. #37) is hereby **adopted** and the findings incorporated herein.

2. Defendants' Amended Answer and Defenses (Doc. #17) are hereby **stricken**. The Clerk shall make a notation on the docket and enter a default against defendants Event Parking, Inc. and Kenneth Benson.

3. Plaintiff shall file a motion for default judgment within **FOURTEEN (14) DAYS** of this Order.

**DONE and ORDERED** at Fort Myers, Florida, this 17th day of January, 2017.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Hon. Carol Mirando  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties