

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MELISSA VAN DYKE,

Plaintiff,

v.

Case No: 2:16-cv-401-FtM-38CM

CAFE LUNA OF NAPLES, INC.,
CAFE LUNA EAST, LLC,
SHANNON RADOSTI and
EDWARD BARSAMIAN,

Defendant.

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 53](#)). Judge Mirando recommends Clerk's default be entered against Defendants Café Luna of Naples, Inc., and Café Luna East, LLC for failure to comply with Middle District of Florida Local Rule 2.03(e) and the Court's Order ([Doc. 50](#)). Café Luna of Naples, Inc., and Café Luna East, LLC have not filed objections to the Report and Recommendation, and the time to do so has expired.

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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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 Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 53](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
2. The Clerk of Court is **DIRECTED** to enter Clerk’s defaults against Defendants, Café Luna of Naples, Inc., and Café Luna East, LLC.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of August 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record