

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MID-CONTINENT CASUALTY
COMPANY, a foreign
corporation,

Plaintiff,

v.

Case No: 2:16-cv-819-FtM-99MRM

VAN EMMERIK CUSTOM HOMES,
INC., a Florida corporation,
PRIYAJEEV TRIKA, an
individual, and JULIE TRIKA,
an individual,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #46), filed June 29, 2017, recommending that the Application for Clerk's Default Against Van Emmerik Custom Homes, Inc. be granted, and the Clerk be directed to enter a default. 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). 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).

The recommendation comes after two Orders were issued cautioning defendant of the potential consequence if no appearance by counsel was entered within the time provided. Defendant Van Emmerik Custom Homes, Inc. failed to retain counsel, or to respond to either Order. 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:

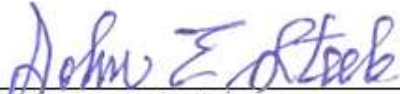
1. The Report and Recommendation (Doc. #46) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Application for Clerk's Default Against Van Emmerik Custom Homes, Inc. (Doc. #45) is **GRANTED**.

3. The Clerk shall enter a default against defendant Van Emmerik Custom Homes, Inc. for failure to retain counsel and comply with the Court's Orders.

4. Plaintiff shall file a motion for default judgment within **FOURTEEN (14) DAYS** of the entry of the default.

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



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties