

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KANE PREE, an individual and
BLAKE PREE, an individual,

Plaintiffs,

v.

Case No: 2:17-cv-42-FtM-29CM

PICKLE PRO, LLC, a Florida
limited liability
corporation and TODD PREE,
an individual,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #30), filed September 6, 2017, recommending that a Clerk's default be entered against defendant Pickle Pro, LLC, and that plaintiffs be directed to thereafter seek a default judgment. 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).

Defendant Pickle Pro, LLC failed to comply with the Magistrate Judge's Orders directing Pickle Pro, LLC to retain new counsel. (Docs. ## 28, 29.) 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

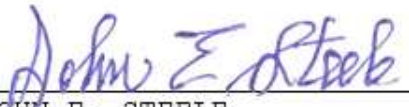
ORDERED:

1. The Report and Recommendation (Doc. #30) is hereby **adopted** and the findings incorporated herein.

2. The Answer and Affirmative Defenses (Doc. #16) are deemed stricken as to Pickle Pro, LLC, and the Clerk is directed to enter a default against Pickle Pro, LLC.

3. Plaintiffs shall file a motion for default judgment against this defendant within **FOURTEEN (14) DAYS** of the entry of the default by the Clerk.

DONE and ORDERED at Fort Myers, Florida, this 26th day of September, 2017.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Carol Mirando
United States Magistrate Judge

Counsel of Record
Unrepresented parties