

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SHERYL HESS fka Sheryl Folk,

Plaintiff,

v.

Case No: 2:18-cv-653-FtM-29NPM

SYCAMORE CONCIERGE LLC, a
Florida profit corporation
and ALLEN FURRER,
individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #41), filed August 26, 2019, recommending that the Motion for Clerk's Default (Doc. #36) be granted, the Clerk be directed to enter a default against Sycamore Concierge LLC, and that Sycamore Concierge LLC's Answer and Affirmative Defenses (Doc. #16) be stricken. 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).

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

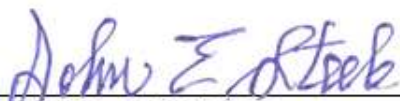
ORDERED:

1. The Report and Recommendation (Doc. #41) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Motion for Clerk's Default (Doc. #36) is **granted**. The Clerk is directed to enter a default against Sycamore Concierge LLC only.

3. Sycamore Concierge LLC's Answer and Affirmative Defenses (Doc. #16) is **stricken**. The Clerk shall make a notation on the docket.

DONE and ORDERED at Fort Myers, Florida, this 13th day of September, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:

Hon. Nicholas P. Mizell
United States Magistrate Judge

Counsel of Record
Unrepresented parties