

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SHANON MURILLO and JUAN
MENDOZA,

Plaintiffs,

v.

Case No.: 2:19-cv-674-SPC-MRM

CAPE CORAL ROOFING AND
SHEET METAL, INC., and
ALEXANDER GOMEZ,

Defendants.

OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 43](#)) on Plaintiffs' Motion for Default Judgment ([Doc. 38](#)). Judge McCoy recommends granting the Motion in part. Neither party objects to the Report and Recommendation, 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, in whole or in part," the magistrate judge's R&R. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence

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of specific objections, there is no requirement that a district judge review the R&R *de novo*. See [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., [Symonette v. V.A. Leasing Corp.](#), 648 F. App'x 787, 790 (11th Cir. 2016); [Thomas v. Arn](#), 474 U.S. 140, 150-52 (1985). Plain error exists if (1) "an error occurred"; (2) "the error was plain"; (3) "it affected substantial rights"; and (4) "not correcting the error would seriously affect the fairness of the judicial proceedings." [Farley v. Nationwide Mut. Ins.](#), 197 F.3d 1322, 1329 (11th Cir. 1999).

After examining the file independently and upon considering Judge McCoy's findings and recommendations, the Court accepts in part and adopts in part the R&R and modifies the R&R to the extent that post-judgment interest is awarded even though Plaintiffs' Motion does not request it. ([Doc. 43 at 32](#)). Under the United States Code, post-judgment interest is statutorily mandated for money judgments. See [28 U.S.C. § 1961](#) ("Interest shall be allowed on any money judgment in a civil case recovered in a district court."); see also [BankAtlantic v. Blythe Eastman Paine Webber, Inc.](#), 12 F.3d 1045, 1053 (11th Cir. 1994) (Post-judgment interest is mandatory and the right to it is not waived by the failure to request it.).


Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 43](#)) is **ACCEPTED in part and ADOPTED in part and modified** as set forth in this Opinion and Order.
2. Defendants' Answer and Affirmative Defenses to Plaintiffs' Complaint and Demand for Jury Trial ([Doc. 10](#)) is **STRICKEN**. The Clerk is directed to strike Defendants' Answer and Affirmative Defenses to Plaintiffs' Complaint and Demand for Jury Trial ([Doc. 10](#)) and indicate on the docket that it is stricken pursuant to this Order.
3. Plaintiffs' Motion for Default Judgment ([Doc. 38](#)) is **GRANTED IN PART AND DENIED IN PART**.
 - a. Default judgment is entered against Defendants in favor of Plaintiff Murillo as to both Counts 1 and 2 for a total amount of \$5,131.02 in unpaid wages and \$5,131.02 in liquidated damages.
 - b. Default judgment is entered against Defendants in favor of Plaintiff Mendoza as to both Counts 1 and 2 for a total amount of \$5,379.49 in unpaid wages and \$5,379.49 in liquidated damages.
 - c. Plaintiffs are awarded \$565.00 in costs.

4. The Clerk is **directed** to enter judgment accordingly as set forth in paragraph 3, terminate all pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on January 10, 2022.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record