

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

FEDERICO ALFARO and F & M
TRUCKING CARRIER SERVICES,
INC.,

Plaintiffs,

v.

Case No. 3:14-cv-977-J-32JRK

ANHEUSER-BUSCH, LLC,

Defendant.

ORDER

This case is before the Court on Defendant Anheuser-Busch, LLC's requests for sanctions against Plaintiffs, including dismissal with prejudice, in Defendant's Renewed Motion for Sanctions (Doc. 49), filed April 19, 2016, and in Defendant's Motion to Compel Responses to Second Request for Production and for Sanctions (Doc. 46), filed March 25, 2016. Both of these motions were previously granted to the extent they sought sanctions against Plaintiffs, see Orders (Doc. 51, entered April 27, 2016; Doc. 64, entered June 3, 2016), and all that remains is for the Court to determine the appropriate sanction(s) to impose.

After giving Plaintiffs every opportunity to comply with the Court's discovery Orders and after conducting two hearings on the proper sanctions to impose, on February 24, 2017, the assigned United States Magistrate Judge issued a comprehensive Report and Recommendation (Doc. 83) recommending that the case be dismissed with prejudice as a sanction for Plaintiffs' willful failure to participate in

discovery and comply with the Court's Orders; that all pending motions be denied as moot; and that the Clerk be directed to close the file. Plaintiffs did not file timely objections to the Report and Recommendation. However, on April 14, 2017, with the Court's permission (Doc. 84), pro se Plaintiff Federico Alfaro filed a document which the Court construes as objections to the Report and Recommendation (Doc. 85).¹ Alfaro also filed a Notice on April 17, 2017, attaching what appears to be a page from a Miami Dade Police Case Report. (Doc. 86). In his objections, Alfaro states that he is seeking legal counsel and has had difficulty obtaining documents and information related to his case. (Doc. 85). He also requests that the Court subpoena records from various parties. (Id.).

Alfaro's objections fail to address the substance of the Report and Recommendation. Moreover, Alfaro has raised several of these same contentions at various points in the litigation, but has never followed through. Alfaro's belated statements that he is trying to comply with his discovery obligations are too little, too late in light of his repeated failure to respond to discovery requests and comply with Court Orders, as described by the Magistrate Judge in the Report and Recommendation.

Therefore, upon de novo review and for the reasons stated in the Report and Recommendation (Doc. 83), it is hereby

ORDERED:

¹ Plaintiff F&M Trucking Carrier Services, Inc. did not file an objection.

1. Plaintiff Federico Alfaro's objections to the Report and Recommendation (Doc. 85) are **OVERRULED**.

2. The Report and Recommendation of the Magistrate Judge (Doc. 83) is **ADOPTED** as the opinion of the Court.

3. The case is **DISMISSED with prejudice** as a sanction for Plaintiffs' willful failure to participate in discovery and comply with the Court's Orders.²

4. All pending motions are **DENIED as moot**.

5. The Clerk of Court shall close the file.

DONE AND ORDERED in Jacksonville, Florida the 2nd day of May, 2017.


TIMOTHY J. CORRIGAN
United States District Judge

sj
Copies to:

Honorable James R. Klindt
United States Magistrate Judge

Counsel of record

Gabrielly Valenzano

Pro se parties

² The Court will not impose sanctions against Plaintiffs' former counsel, Ms. Valenzano, and denies Defendant's request for attorneys' fees.