

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PHILIP WILDSTEIN,

Plaintiff,

v.

Case No: 6:16-cv-336-Orl-41TBS

CHEYENNE HOLDINGS, INC.,

Defendant.

ORDER

THIS CAUSE is before the Court on Plaintiff's Amended Motion for Final Judgment ("Amended Motion," Doc. 12). United States Magistrate Judge Thomas B. Smith submitted a Report and Recommendation ("August 9, 2016 R&R," Doc. 13), in which he recommends that the Amended Motion be denied and this case be dismissed or transferred for lack of venue.

On June 29, 2016, Plaintiff filed a Motion for Final Default Judgment (Doc. 10). Magistrate Judge Smith issued a Report and Recommendation ("July 5, 2016 R&R," Doc. 11), recommending that the motion be denied and that Plaintiff be given leave to amend his Complaint. Before the Court could address the July 5, 2016 R&R, however, Plaintiff filed the Amended Motion. Accordingly, both Plaintiff's first motion and the July 5, 2016 R&R have been rendered moot.

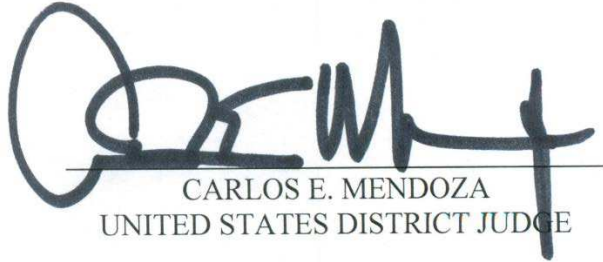
After a *de novo* review of the record, and noting that no objections were timely filed, this Court agrees with the analysis in the August 9, 2016 Report and Recommendation. Additionally, this Court finds that because of the nature of the claims asserted in the Complaint (Doc. 1), it is in the interests of justice to transfer this case to the Southern District of Florida.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The July 5, 2016 Report and Recommendation (Doc. 11) is **MOOT**.

2. Plaintiff's Motion for Final Default Judgment (Doc. 10) is **DENIED as moot**.
3. The August 9, 2016 Report and Recommendation (Doc. 13) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
4. Plaintiff's Amended Motion for Final Judgment (Doc. 12) is **DENIED**.
5. The Clerk is **DIRECTED** to transfer this case to the United States District Court for the Southern District of Florida for all further proceedings and to close this file.

DONE and **ORDERED** in Orlando, Florida on December 19, 2016.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record