

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CANAVERAL PORT AUTHORITY,

Plaintiff,

v.

Case No: 6:17-cv-1079-Orl-40TBS

THE TUG PENOBSCOT,

Defendant.

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ORDER

This cause is before the Court on Plaintiff Canaveral Port Authority's Motion for Final Default Judgment and Permission to Credit Bid (Doc. 17) filed on September 15, 2017. The United States Magistrate Judge has submitted a report recommending that the motion be granted in part.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

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

1. The Report and Recommendation filed September 20, 2017 (Doc. 18), is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff Canaveral Port Authority's Motion for Final Default Judgment and Permission to Credit Bid (Doc. 17) is **GRANTED IN PART**.
3. The Clerk is **DIRECTED** to enter a default judgment in the amount of \$146,537.76 against *in rem* Defendant tug Penobscot.

4. The United States Marshal is **DIRECTED** to conduct a sale of the tug Penobscot, her engines, tackle, apparel, furniture, equipment, appurtenances, and all other necessaries thereunto appertaining and belonging to the vessel, in accordance with Rule E(9) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions and Local Admiralty Rule 7.05(q)—(r).

5. Plaintiff is **GRANTED** permission to credit bid its judgment at the public sale of the Vessel, and Plaintiff shall not be required to pay any cash or other payment unless and until its successful bid exceeds the total of its judgment against the Vessel.

6. Any proceeds of the sale conducted by the United States Marshal **SHALL** be paid into the registry of the Court and, subject to the confirmation of the sale by the Court and upon motion by Plaintiff, the proceeds of the sale of the Vessel **SHALL** be applied to satisfy, fully or partially as the case may be, Plaintiff's Final Judgment after satisfaction of any outstanding *custodia legis* and United States Marshal's expenses of sale, according to the law.

DONE AND ORDERED in Orlando, Florida on October 5, 2017.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Any Unrepresented Parties
United States Marshal Service