

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

BRIAN SHROPSHIRE,

Plaintiff,

v.

Case No. 6:19-cv-878-RBD-EJK

BANK OF AMERICA,

Defendant.

Defendant moved to strike Plaintiff's jury trial demand, arguing the mortgage executed by Plaintiff contained a jury trial waiver for all actions arising out of the mortgage. (Doc. 55 ("**Motion**").) On referral, U.S. Magistrate Judge Embry J. Kidd recommends granting the Motion and striking the jury trial demand. (Doc. 95 ("**R&R**").)

The parties did not object to the R&R and the time for doing so has now passed. So the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is adopted in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Embry J. Kidd's Report and Recommendation (Doc. 95) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Defendant, Bank of America, N.A.'s Motion to Strike Jury-Trial Demand (Doc. 55) is **GRANTED**.

3. Plaintiff's jury trial demand (Doc. 36, p. 18) is **STRIKEN**.
4. This action will be reset as a bench trial.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 16, 2021.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record