

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ROBERT MYRICK,

Plaintiff,

v.

Case No. 8:09-cv-1391-T-33TBM

THE DISTRIBUTION AND
ACQUISITION NETWORK,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Thomas B. McCoun, III's Report and Recommendation (Doc. # 17), filed on April 28, 2010, recommending that Plaintiff's Motion for Default Judgment Against Defendant (Doc. # 10) be granted in part.

As of this date, there are no objections to the report and recommendation, and the time for the parties to file such objections has elapsed.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de*

novo, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).


After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge and the recommendation of the magistrate judge.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 17) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's Motion for Default Judgment Against Defendant (Doc. # 10) is granted to the extent that the Clerk is directed to enter a Default Judgment against Defendant in the amount of \$3,073.00. This amount includes statutory damages of \$1,000.00, attorney's fees in the amount of \$1,723.00, and costs in the amount of \$350.00. These

fees are to be awarded directed to Plaintiff, Mr. Myrick.
After entry of Judgment, the Clerk shall **CLOSE THE CASE.**
DONE and **ORDERED** in Chambers in Tampa, Florida, this 1st
day of June 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel and Parties of Record