

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

HOME DESIGN SERVICES, INC.  
Plaintiff,

vs.

3:09cv65/MCR/MD

SEA BREEZE CONSTRUCTION OF NORTH  
FLORIDA, INC., AND LEON SEKUNDA, JR.,  
Defendants.

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**REPORT AND RECOMMENDATION**

This cause is before the court upon plaintiff's motion for voluntarily dismissal of complaint. (Doc. 43). Plaintiff seeks to dismiss this case with prejudice based upon its investigation and the progress of discovery. The docket reflects that the corporate defendant has been defaulted, and the individual defendant has not made any *pro se* appearance since his original counsel's motion to withdraw was granted (doc. 31).

Accordingly, it is respectfully RECOMMENDED:

That plaintiff's motion to voluntarily dismiss (doc. 43) be granted and this case be dismissed with prejudice, with each side to bear its own attorney's fees, if any, and costs.

At Pensacola, Florida, this 29<sup>th</sup> day of October, 2009.

/s/ *Miles Davis*

**MILES DAVIS  
UNITED STATES MAGISTRATE JUDGE**

**NOTICE TO THE PARTIES**

**Any objections to these proposed findings and recommendations must be filed within ten days after being served a copy hereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of any objections shall be served upon any other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; *United States v. Roberts*, 858 F.2d 698, 701 (11<sup>th</sup> Cir. 1988).**