

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 21-CV-60114-RAR

FUTURE METALS LLC,

Plaintiff,

v.

FRANK RUGGIERO,

Defendant.

ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION

THIS CAUSE comes before the Court upon United States Magistrate Judge Jared M. Strauss’s Report and Recommendation [ECF No. 38] (“Report”), filed on April 13, 2021. The Report recommends that the Court grant in part and deny in part Plaintiff’s Motion for a Temporary Restraining Order [ECF No. 21] (“Motion”). *See* Report at 1. Specifically, the Report recommends that the Court grant the Motion to the extent it seeks to continue the Stipulated Order [ECF No. 18]. *Id.* at 43. The Report properly notified the parties of their right to object to Magistrate Judge Strauss’s findings and the consequences for failing to object. *Id.* at 43-44. The time for objections has passed and neither party filed any objections to the Report.

When a magistrate judge’s “disposition” has properly been objected to, district courts must review the disposition *de novo*. FED. R. CIV. P. 72(b)(3). However, when no party has timely objected, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” FED. R. CIV. P. 72 advisory committee’s notes (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress’s intent was to only require a *de novo* review where objections have been

properly filed, not when neither party objects. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge]’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings.”).

Because no party has filed an objection to the Report, the Court did not conduct a *de novo* review of Magistrate Judge Strauss’s findings. Rather, the Court reviewed the Report for clear error. Finding none, it is

ORDERED AND ADJUDGED as follows:

1. The Report [ECF No. 38] is **AFFIRMED AND ADOPTED**.
2. Plaintiff’s Motion for a Temporary Restraining Order [ECF No. 21] is **GRANTED** to the extent it seeks to continue the Stipulated Order [ECF No. 18] but is otherwise **DENIED**.
3. The Stipulated Order is extended *nunc pro tunc* until thirty (30) days following the Evidentiary Hearing to take place on June 2, 2021.

DONE AND ORDERED in Fort Lauderdale, Florida, this 28th day of April, 2021.



RODOLFO A. RUIZ II
UNITED STATES DISTRICT JUDGE

cc: Counsel of record
Magistrate Judge Jared M. Strauss