

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-20203-CIV-LENARD/WHITE

EDDIE LEE BANKS,

Plaintiff,

vs.

NURSE VASSELLER, et al.,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION OF MAGISTRATE
JUDGE (D.E. 135), GRANTING PLAINTIFF'S MOTION FOR FINAL DEFAULT
JUDGMENT (D.E. 20), AND CLOSING CASE**

THIS CAUSE is before the Court on the Report of Magistrate Judge Patrick A. White ("Report," D.E. 135), issued on February 25, 2011, recommending the Court: (1) grant Plaintiff's Motion for Final Default Judgment (D.E. 20); and (2) deny as moot Plaintiff's Motion to Enforce Judgment (D.E. 109) and Plaintiff's Motion for Executed Final Process of Money Damages (D.E. 114). Plaintiff's Motion for Final Default Judgment had been referred to the Magistrate Judge for purposes of damages and an evidentiary hearing. (See D.E. 21, 30, 108.) On February 28, 2011, the Court directed the Parties to file any objections to the Report on or before March 7, 2011. As of the date of this Order, no objections have been filed. Failure to timely file objections shall bar parties from attacking on appeal the factual findings contained in the report. See Resolution Trust Corp. v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993). Based on a review of the

Magistrate Judge's Report, the related pleadings, and the record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report and Recommendation of Magistrate Judge Patrick A. White (D.E. 135), issued on February 25, 2011, is **ADOPTED**;
2. Consistent with the Report and this Order, Plaintiff's Motion for Final Default Judgment (D.E. 20), filed on April 10, 2010, is **GRANTED** to the extent that final default judgment shall be entered against Defendant Nurse Vasseller upon a determination of the proper amount of damages;
3. This matter is referred to the Magistrate Judge for a supplemental report and recommendation as to the amount of damages that should be awarded as part of the final default judgment;
4. Plaintiff's Motion to Enforce Judgment (D.E. 109) and Plaintiff's Motion for Executed Final Process of Money Damages (D.E. 114) are **DENIED AS MOOT**;
5. This case is now **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 15th day of March, 2011.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE