

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 19-CIV-21121-RAR**

**HAMED WARDAK,**

Plaintiff,

v.

**SARAH GOOLDEN, et al.,**

Defendants.

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**ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION**

**THIS CAUSE** comes before the Court upon Magistrate Judge Jacqueline Becerra’s Report and Recommendation [ECF No. 117] (“Report”), filed on September 8, 2020. The Report recommends the Court deny Defendants’ respective Motions for Attorney’s Fees and Costs [ECF Nos. 108, 109]. The time for objections has passed, and there are no 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.”). In any event, the “[f]ailure to object to the magistrate [judge]’s factual findings after notice precludes a later attack on these findings.” *Lewis v. Smith*, 855 F.2d 736, 738 (11th

Cir. 1988) (citing *Nettles v. Wainwright*, 677 F.2d 404, 410 (5th Cir. 1982)).

Because there are no objections to the Report, the Court did not conduct a *de novo* review. Rather, the Court reviewed the Report for clear error. Finding none, it is

**ORDERED AND ADJUDGED** as follows:

1. The Report [ECF No. 117] is **AFFIRMED AND ADOPTED**.
2. Defendant Sarah Goolden's Motion for Attorneys' Fees and Costs [ECF No. 108] is **DENIED**. Defendant Brian Cavanaugh's Motion for Attorneys' Fees and Costs [ECF No. 109] is **DENIED**.

**DONE AND ORDERED** in Fort Lauderdale, Florida, this 16th day of November, 2020.



**RODOLFO A. RUIZ II**  
**UNITED STATES DISTRICT JUDGE**

cc: Counsel of record  
Magistrate Judge Jacqueline Becerra