

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 21-23604-CIV-WILLIAMS

VICTOR ARIZA,

Plaintiff,

v.

SOUTH MOON SALES, INC.,

Defendant.

ORDER

THIS MATTER is before the Court on U.S. Magistrate Judge Chris M. McAliley's Amended Report and Recommendation ("***the Amended Report***") (DE 17) on Plaintiff Victor Ariza's ("***Plaintiff***") Amended Motion for Default Final Judgment ("***the Amended Motion***"). (DE 13.) In the Amended Report,¹ Judge McAliley recommends that the Court grant in part and deny in part Plaintiff's Amended Motion by entering default judgment in Plaintiff's favor and against Defendant South Moon Sales, Inc. ("***Defendant***") on Count I of the Complaint. (DE 17 at 21.) No objections to the Report have been filed. Upon an independent review of the Report, the record, and applicable case law, the Court agrees with Judge McAliley's recommendations.

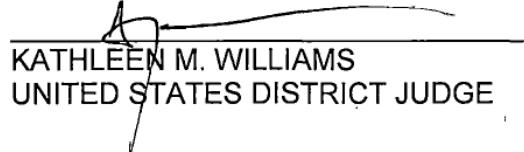
Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The conclusions in the Amended Report (DE 17) are **AFFIRMED AND ADOPTED**.
2. Plaintiff's Amended Motion for Default Final Judgment (DE 13) is **GRANTED IN PART AND DENIED IN PART**.

¹ Given that Judge McAliley issued the Amended Report (DE 17) on Plaintiff's Amended Motion (DE 13), the Court denied Judge McAliley's initial Report and Recommendation (DE 16) as moot. (DE 18.)

3. In a separate order, the Court will enter default final judgment in Plaintiff's favor and against Defendant as to Count I of Plaintiff's Complaint.²
4. The Clerk of Court is directed to **CLOSE** this case.

DONE AND ORDERED in Chambers in Miami, Florida on this 19th day of September, 2022.



KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE

² The Court agrees with Judge McAliley's conclusion that Count II of Plaintiff's Complaint "does not properly allege a claim that Defendant violated the Rehab Act." (DE 16 at 6.) Therefore, the Court will not enter default final judgment in Plaintiff's favor and against Defendant as to Count II.