

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

Case No. 1:23-cv-21797-KMM

JEFF FLEURANVILLE,

Plaintiff,

v.

MIAMI-DADE COUNTY,
et. al.,

Defendants.

ORDER ON REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Plaintiff Roger Acosta's ("Plaintiff") Motion for Attorney's Fees Pursuant to 48 U.S.C. § 1998 ("Motion" or "Mot.") (ECF No. 23). The Motion was referred to the Honorable Lauren F. Louis, United States Magistrate Judge (ECF No. 24) who issued a Report and Recommendation, ("R&R") (ECF No. 37), recommending that the Motion be GRANTED. No objections to the R&R were filed, and the time to do so has now passed. The matter is now ripe for review. As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court "must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files "a proper, specific objection" to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). "It is critical that the objection be sufficiently specific and not a general objection to the report" to warrant *de novo* review. *Id.* Yet when a party has not properly objected to the magistrate judge's findings, "the court need only satisfy itself that there is no clear error on

the face of the record in order to accept the recommendation.” *See Keaton v. United States*, No. 14-21230-CIV, 2015 WL 12780912, at *1 (S.D. Fla. May 4, 2015)).

As set forth in the R&R, Magistrate Judge Louis found Defendants are entitled to attorney's fees incurred from defending against Plaintiff's federal claims. *See generally* R&R. Judge Louis found that Defendants were the prevailing parties and noted that Plaintiffs' federal claims were dismissed with prejudice upon because “the arrests and subsequent prosecution were supported by probable cause.” R&R at 2. In the R&R, Judge Louis thoroughly considered the *Sullivan* factors, including “(1) whether the plaintiff established a prima facie case; (2) whether the defendant offered to settle; and (3) whether the trial court dismissed the case prior to trial or held a full-blown trial on the merits.” *See generally id.* (quoting *Sullivan v. Sch. Bd. of Pinellas Cnty.*, 773 F.2d 1182, 1189 (11th Cir. 1985)). Judge Louis ultimately found that the *Sullivan* factors favor a finding that Plaintiffs' federal claims were “frivolous, unreasonable, or without foundation.” *Id.* This Court finds no clear error with Judge Louis' conclusions.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the R&R (ECF No. 37) is ADOPTED. Defendant's Motion for Attorney Fees Pursuant to 48 U.S.C. § 1988 (ECF No. 23) is GRANTED.

DONE AND ORDERED in Chambers at Miami, Florida, this 6th day of January 2025.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record