

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 24-80364-CIV-CANNON/McCabe

**KEMARLY ROPER and
STEPHANIE ROPER,**

Plaintiffs,

v.

BMO HARRIS BANK,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION AND PERMITTING REPLEADING**

THIS CAUSE comes before the Court upon Defendants' Motion to Dismiss (the "Motion") [ECF No. 21]. The Motion was referred to Magistrate Judge Ryon M. McCabe for a Report and Recommendation. On October 4, 2024, Judge McCabe issued a Report recommending that the Motion be granted, but that Plaintiffs be given an opportunity to amend the Complaint [ECF No. 37]. Objections to the Report were due on or before **October 18, 2024** [ECF No. 37 p. 8]. Neither party filed objections to the Report, and the time to do so has expired.

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822 (11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and 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). To the extent a party fails to object to parts of the magistrate judge's report, the Court


may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Following de novo review, the Court finds no clear error of fact in the well-reasoned Report and no errors of law.

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

1. The Report and Recommendation [ECF No. 37] is **ACCEPTED**.
2. Defendants' Motion to Dismiss [ECF No. 21] is **GRANTED**.
3. Plaintiffs shall be given **one final opportunity** to file an amended pleading consistent with the Report and this Order, but any such amended pleading is due on or before **November 14, 2024** [ECF No. 37].
4. Any amended complaint must clearly set forth the allegations supporting each claim for relief; separate each cause of action or claim for relief into a different count; and clearly and specifically identify how the defendant is responsible for the alleged acts or omissions.

DONE AND ORDERED in Chambers at Fort Pierce, Florida this 25th day of October 2024.


AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record