

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiffs,

v.

CASE NO. 07-15438

HON. MARIANNE O. BATTANI

OCIE L. CARLISLE,

Defendant,

v.

NATIONAL CITY BANK,

Garnishee.

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**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
DEFENDANT'S MOTION TO SET ASIDE CLERK'S ENTRY OF JUDGMENT**

Plaintiff filed its Complaint in December 2007, alleging that Defendant Ocie L. Carlisle defaulted on a student loan and was in debt to the United States Department of Education. Defendant never answered, and the Clerk entered a default judgment pursuant to Fed. R. Civ. P. 55(b)(1). In January 2009, Defendant moved to set aside the default judgment. The Court referred this matter to the Magistrate Judge.

In a Report and Recommendation ("R&R") dated August 11, 2009, Magistrate Judge Komives recommended that Defendant's motion be denied. The Court has reviewed the pleadings and has conducted a *de novo* review of the R&R. The Court finds the R&R accurately articulates the law and presents a well-reasoned, persuasive analysis of the application of governing law to the facts of this case.

The Magistrate Judge informed the parties that objections to the R&R must be filed within ten days of service and that a party's failure to file objections would waive any further right of appeal. See R&R at 9-10. Neither party filed an objection.

Because no objection has been filed in this case, the parties waived their right to review and appeal. Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation and **DENIES** Defendant's Motion to Set Aside Clerk's Entry of Judgment.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Date: September 1, 2009

CERTIFICATE OF SERVICE

Copies of this Order were mailed and/or electronically filed to counsel of record and Defendant on this date.

s/Bernadette M. Thebolt
Deputy Clerk