

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAEI FRAISE

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:08cv1390HSO-JMR

**HOLLY KRANTZ, CHARLES ESQUE,
and THOMAS CLARK**

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause comes before the Court on the Report and Recommendation [32] of Chief United States Magistrate Judge John M. Roper, recommending denial of Plaintiff's Motion [24] for Default Judgment and further recommending that Defendant Thomas Clark's Motion [28] to Set Aside Default Entered by the Clerk be granted. Plaintiff did not file objections to the Magistrate Judge's Report and Recommendation.

Where a party fails to file specific objections to a magistrate judge's report and recommendation, the district court reviews the report and recommendation for findings and conclusions that are clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1); *see also United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Based on the record before this Court, the undersigned finds that the Magistrate Judge's findings were not clearly erroneous, nor were his conclusions contrary to law. After referral of hearing by this Court, and the Court, having fully reviewed the Report and Recommendation [32], the relevant law, and the record in this matter, and being fully advised in the premises, finds that the Report and Recommendation [32] of Chief Magistrate Judge John M. Roper, should be adopted

as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, the Report and Recommendation [32] of Chief Magistrate Judge John M. Roper should be and hereby is adopted in its entirety as the finding of this Court.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Plaintiff Jael Fraise's Motion [24] for Default Judgment should be, and hereby is, **DENIED**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Defendant Thomas Clark's Motion [28] to Set Aside Default Entered by the Clerk should be, and hereby is, **GRANTED**. Defendant Thomas Clark shall have thirty (30) days from the date of this Order in which to plead or otherwise defend this action pursuant to the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED, this the 12th day of January, 2010.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE