

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LINCOLN PROFESSIONAL
BASEBALL, INC.,

Counterclaimant,

vs.

BLUES EVENTS, LLC,

Counter-defendant.

4:13-CV-3101

ORDER

This matter is before the Court on the Magistrate Judge's Findings, Recommendation, and Order (filing 59) recommending that the Court enter a default and/or default judgment against counter-defendant Blues Events, LLC, as a result of Blues Events' failure to comply with the Court's progression order or comply with discovery. No objection has been lodged to the findings and recommendation.

28 U.S.C. § 636(b)(1) provides for de novo review only when a party has objected to the Magistrate Judge's findings or recommendations. *Peretz v. United States*, 501 U.S. 923 (1991). The Magistrate Judge's findings and recommendation advised the parties that failure to object to the findings and recommendation may be held to be a waiver of the right to appeal the Court's adoption of the recommendation. See filing 59 at 2. And the failure to file an objection eliminates not only the need for de novo review, but any review by the Court. *Thomas v. Arn*, 474 U.S. 140 (1985); *Leonard v. Dorsey & Whitney LLP*, 553 F.3d 609 (8th Cir. 2009); see also *United States v. Meyer*, 439 F.3d 855, 858-59 (8th Cir. 2006).

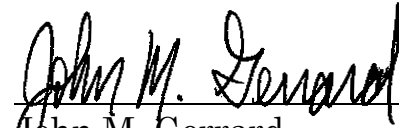
Accordingly, the Court deems any objection to the Magistrate Judge's findings and recommendation waived, and will adopt the findings and recommendation. The Court will order the clerk's office to enter Blues Events' default. A final judgment in this matter will be entered upon a properly supported motion for default judgment and, if necessary, a hearing to determine the amount of damages. See, *Fed. R. Civ. P. 55(b)(2)*; *Everyday Learning Corp. v. Larson*, 242 F.3d 815, 818-19 (8th Cir. 2001).

IT IS ORDERED:

1. The Magistrate Judge's Findings, Recommendation, and Order (filing [59](#)) are adopted.
2. The Clerk of the Court is directed to enter Blues Events, LLC's default.

Dated this 23rd day of September, 2014.

BY THE COURT:



John M. Gerrard
United States District Judge