

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
GUSTAVIA HOME, LLC

Plaintiff,

-against-

NELSON E. CASTILLO; ANA MARIBEL  
DUENAS, PEOPLE OF THE STATE OF  
NEW YORK, MIDLAND FUNDING, LLC  
DBA IN NEW YORK AS MIDLAND  
FUNDING LLC; CAVALRY SPV 1, LLC;  
and JOHN DOE "1 through "12"said persons  
having or claimed to have a right, title or interest  
in the Mortgaged premises herein, their respective  
names are presently unknown to the Plaintiff,

Defendants.

-----X

**ORDER ADOPTING R & R**

16-CV-2662(DRH)(AYS)

**HURLEY, Senior District Judge:**

Presently before the Court is the Report and Recommendation, dated April 24, 2017, of Magistrate Judge Anne Y. Shields recommending the following on plaintiff's motion for default judgment: (1) a default judgment be granted against Defendants Castillo, Duenas and the named lienholders; (2) plaintiffs be given 14 days to show cause for its failure to timely serve the John Doe defendants or to seek voluntary dismissal of the John Doe defendants; (3) a referee be appointed to conduct the sale of the mortgaged premises; (4) plaintiff be awarded damages in the amount of \$117,243.61; and (5) a judgment of foreclosure and sale substantially similar to the proposed judgment submitted by Plaintiff be executed by the District Court. More than fourteen days have elapsed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report

and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. The Court adopts the April 24, 2017 Report and Recommendation of Judge Shields as if set forth herein. Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion for a default judgement against defendants NELSON E. CASTILLO; ANA MARIBEL DUENAS, PEOPLE OF THE STATE OF NEW YORK, MIDLAND FUNDING, LLC DBA IN NEW YORK AS MIDLAND FUNDING LLC; and CAVALRY SPV 1, LLC is granted and the Court will on this date execute a Judgment of Foreclosure and Sale substantially in the form proposed by plaintiff; and it is

**FURTHER ORDERED** that plaintiff show cause in writing filed on or before May 31, 2017, why the claims against the John Doe defendants should not be dismissed.

Dated: Central Islip, N.Y.  
May 16, 2017

/s/ Denis R. Hurley  
Denis R. Hurley  
United States District Judge