

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PATRICIA KENNEDY,

Plaintiff,

v.

Case No: 2:17-cv-696-FtM-38MRM

U AND V FOOD CORPORATION
and A-Z DISCOUNT BEVERAGE OF
NAPLES, INC.,

Defendants.

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ORDER¹

Before the Court is Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 37](#)). Judge McCoy recommends the denial of Plaintiff Patricia Kennedy's Motion for Entry of Judgment After Default and Verified Application for Attorney Fees, Costs, Expert Fees and Litigation Expenses. ([Doc. 33](#)). Neither party filed a timely objection to the Report and Recommendation, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no

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requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration and an independent review of the file, the Court accepts and adopts the Report and Recommendation ([Doc. 37](#)) in full.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. 37](#)) is **ACCEPTED and ADOPTED** and incorporated into this Order.
2. Plaintiff Patricia Kennedy's Motion for Entry of Judgment After Default and Verified Application for Attorney Fees, Costs, Expert Fees and Litigation Expenses ([Doc. 33](#)) is **DENIED without prejudice**.
3. Kennedy is **DIRECTED** to inform the Court on or before February 11, 2019 as to how she would like to proceed. The failure to do so will result in the Court **dismissing** this case without further notice.

DONE and **ORDERED** in Fort Myers, Florida this 28thth day of January 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record