

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TAMARA HATCHER,

Plaintiff,

v.

Case No. 6:17-cv-909-Orl-37DCI

LETZRY, INC.; and CATHERINE
LETZINGER,

Defendants.

ORDER

Plaintiff, through counsel, initiated this Fair Labor Standards Act action on May 19, 2017. (Doc. 1.) Plaintiff's counsel then moved to withdraw from representation, which Magistrate Judge Daniel C. Irick granted after holding a hearing where Plaintiff was supposed to appear. (Docs. 40, 50.) Magistrate Judge Irick also ordered Plaintiff to appear in person at a show cause hearing to determine why sanctions, including dismissal of this action, should not be imposed for her failure to appear. (Doc. 50.) After Plaintiff again failed to appear, Magistrate Judge Irick issued a Report recommending this action be dismissed without prejudice for failure to prosecute. (Doc. 53 ("**R&R**").)

Following the R&R, Defendant Letzry, Inc. sought to dismiss its counterclaim against Plaintiff by filing a unilateral notice that the Court struck for failure to comply with Federal Rule of Civil Procedure 41. (Docs. 54, 55.) Nothing else was filed since—neither party objected to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*,

No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016); *see also Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding no error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 53) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.
3. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 12, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro se party