UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v. Case No. 6:18-cv-2-Orl-37KRS

$137,700.00 in U.S. CURRENCY; and
JAMES R. SHELNUTT, III,

Defendants.

ORDER

This cause is before the Court on the following matters: (1) United States' Renewed Motion for Default Judgment of Forfeiture (Doc. 19 ("**Renewed Motion**")); and (2) Report and Recommendation (Doc. 20 ("**Report**")).

DISCUSSION

This forfeiture action concerns $137,700.00 in United States currency ("**Defendant Funds**"), which agents of the Drug Enforcement Agency seized in July 2017 from a safe and a safe deposit box owned by Defendant James R. Shelnutt, III ("**Defendant Shelnutt**"). (*See* Doc. 20, p. 1; *See also* Doc. 1.) On January 12, 2018, this Court issued a warrant of arrest *in rem* for the Defendant Funds. (Doc. 12.) Plaintiff United States of America ("**Plaintiff**"), then took the steps necessary to provide appropriate notice of this action to Defendant Shelnutt and the public. (*See* Doc. 20, pp. 1–2; Docs. 14-1, 14-2.) When no timely claim was filed concerning the Defendant Funds, Plaintiff successfully requested entry of a default by the Clerk. (*See* Docs. 14–16.)

Following the Clerk's entry of default, Plaintiff filed its initial motion for default judgment (Doc. 17), which was denied (Doc. 18). Plaintiff then filed the Renewed Motion. (Doc. 19.) No response was filed to the Renewed Motion, and the time to file a response has passed. *See* Local Rule 3.01(b). On referral of the unopposed Renewed Motion, U.S. Magistrate Judge Karla R. Spaulding ("**Judge Spaulding**") issued her Report on **April 24, 2018**, recommending that the Court grant the Renewed Motion and direct the Clerk to enter a final default judgment in favor of Plaintiff. (*See* Doc. 20, p. 5.) No objections were filed to the Report, and the time to file objections has passed. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2); Local Rule 6.02(a).

When written objections to the proposed findings and recommendations in a magistrate judge's report and recommendation are filed, the district court must make a de novo determination of the portions of the report to which an objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2); Local Rule 6.02(a). But when the litigants fail to file specific objections to the magistrate's factual findings, the district court reviews the report and recommendation for clear error. *See Garvey v. Vaugh*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Ultimately, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *See* 28 U.S.C. § 636(b)(1). Upon review of the record, the Court has found no error and is in complete agreement with Judge Spaulding's proposed findings and recommendations. Thus, the Renewed Motion is due to be granted.

CONCLUSION

Accordingly, it is **ORDERED AND ADJUDGED** that:

(1) The Report and Recommendation (Doc. 20) is **APPROVED, ADOPTED, AND MADE PART OF THIS ORDER**.

(2) The United States' Renewed Motion for Default Judgment of Forfeiture (Doc. 19) is **GRANTED**.

(3) The Clerk is **DIRECTED** to enter a Default Judgment of Forfeiture, forfeiting to the Plaintiff United States of America all right, title, and interest in the Defendant Funds: $137,700.00 in U.S. Currency.

(4) The Clerk is further **DIRECTED** to close the file.

DONE AND ORDERED in Orlando, Florida, this 23rd day of May, 2018.

ROY B. DALTON JR.
United States District Judge

Copies to:

Counsel of Record