

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SWORDFISH PARTNERS,

Plaintiff,

v.

Case No. 8:18-cv-1808-T-33SPF

THE S.S. NORTH CAROLINA, her
hull, cargo, tackle, boilers,
machinery and appurtenances,
which lies within one nautical
mile of a point with coordinates
33 degrees 24'00" North Latitude
and 78 degrees 40'00" West
Longitude,

Defendant.

_____ /

ORDER

This cause comes before the Court upon consideration of United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 32), filed on December 26, 2018, recommending that Plaintiff's Motion for Default Judgment (Doc. # 28), be denied without prejudice. Judge Flynn also recommends that the Clerk's entry of default be vacated. (Id.). There is a 14-day period allotted for the filing of objections. (Id.). However, on December 27, 2018, Plaintiff filed a Notice stating that it does not object to the Report and Recommendation. (Doc. # 33). Accordingly, and consistent with the following, the Court adopts the Report and Recommendation.

Discussion

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. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983).


In the absence of specific objections, there is no 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); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving de novo review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge, and the recommendation of the magistrate judge.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 32) is **ACCEPTED** and **ADOPTED**.
 - (2) Plaintiff's Motion for Default Judgment (Doc. # 28) is **DENIED WITHOUT PREJUDICE**.
 - (3) The Clerk's entry of default (Doc. # 27) is **VACATED**.
- DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 28th day of December, 2018.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE