

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 *In Rem*.

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ORDER

This cause comes before the Court upon consideration of United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 44), filed on April 23, 2019, recommending that Plaintiff's Renewed Motion for Default Judgment (Doc. # 42), be granted in part and denied in part. No objections have been filed and the time for filing objections has passed. 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).

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.

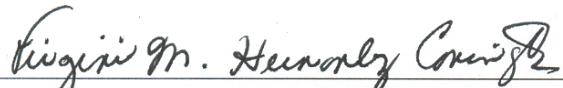
Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) United States Magistrate Judge Sean P. Flynn's Report and Recommendation (Doc. # 44) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's Renewed Motion for Default Judgment (Doc. # 42) is **GRANTED** as to the bronze spike being held for the Court by the Plaintiff as Substitute Custodian and is otherwise **DENIED**.

- (3) The Clerk is directed to enter judgment awarding Plaintiff clear title to the bronze spike being held for the Court by the Plaintiff as Substitute Custodian.
- (4) The Court **ADMINISTRATIVELY CLOSES** the case, but retains jurisdiction over the action in order to adjudicate title to artifacts recovered by Plaintiff in the future and brought to the Court.
- (5) The Plaintiff is directed to annually file by **May 8** its claim stating with specificity the value of the artifacts salvaged in the previous calendar year and cataloguing those artifacts and is further directed to move to reinstate this case to active status upon proper motion when Plaintiff requires further relief from the Court.
- (6) The Court advises Plaintiff that failure to file its claim by **May 8** each year will constitute prima facie evidence that Plaintiff has abandoned its recovery efforts at the Defendant wreck site, and, after which, this case will be closed.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 9th day of May, 2019.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE