

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**YESSENIA DRAYTON,**

**Plaintiff,**

**v.**

**Case No: 8:18-cv-2125-T-35SPF**

**AVIA PREMIER CARE, LLC.,**

**Defendant.**

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of Plaintiff's Motion for Default Judgment, to which Defendant has not responded. (Dkt. 13) In the Motion, Plaintiff also seeks an award of attorneys' fees and costs incurred in pursuing this action against Defendant Avia Premier Care, LLC. (Id. at ¶¶ 1, 13, 18–19) On December 20, 2018, the Court granted the Motion as to liability only and deferred ruling as to Plaintiffs' requested attorney's fees and costs. (Dkt. 16) On May 2, 2019, United States Magistrate Judge Sean P. Flynn issued a Report and Recommendation, recommending that Plaintiff be awarded \$4,050.00 in attorney's fees and \$440.00 in costs. (Dkt. 17) Neither party has filed an objection to Judge Flynn's Report and Recommendation, and the time to do so has now passed.

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, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This requires

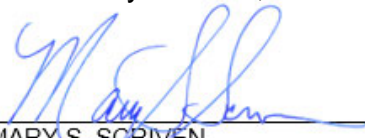
that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that 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., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be approved in all respects. As stated above, neither party has objected to the Magistrate Judge’s recommendation.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 17), is **CONFIRMED** and **ADOPTED** as part of this Order; and
2. Plaintiff’s Motion for Default Judgment, (Dkt. 13), as it pertains to an award of attorneys’ fees and costs, is **GRANTED IN PART and DENIED IN PART**.
3. Plaintiff is awarded \$4,050.00 in attorney’s fees and \$440.00 in costs.
4. The **CLERK** is directed to enter judgment accordingly.

**DONE** and **ORDERED** in Tampa, Florida, this 14th day of June, 2019.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel of Record  
Any Unrepresented Person