

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JOSE A. MENA,

Plaintiff,

v.

Case No.: 2:19-cv-647-FtM-38MRM

CITIBANK, N.A.,

Defendant.

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**REPORT AND RECOMMENDATION**

Before the Court is Defendant's Motion to Compel Arbitration. (Doc. 20). Defendant Citibank, N.A. ("Citibank") requests that the Court compel Plaintiff Jose Mena "to arbitrate his claims against Citibank pursuant to the terms of the arbitration agreements contained in the credit card agreements governing the account at issue." (Doc. 20 at 1). Citibank, furthermore, seeks to stay this case during the pendency of any arbitration. (*Id.*).

Plaintiff filed a Response to Defendant's Motion to Compel Arbitration. (Doc. 26). While Plaintiff "believes this action is not subject to an arbitration clause . . . in order to avoid further delay while this issue is resolved and have [Plaintiff's] claims adjudicated as quickly as possible" Plaintiff has "elected not to oppose Citibank's Motion to Compel Arbitration." (Doc. 26 at 1). "Accordingly," Plaintiff represents that he "does not oppose entry of an order staying this action pending the outcome of arbitration between the parties." (*Id.*).

**CONCLUSION**

Based upon the foregoing, the Undersigned **RESPECTFULLY RECOMMENDS** that:

1. The Motion to Compel Arbitration of Defendant Citibank, N.A. (Doc. 20) be  
**GRANTED.**

2. The parties be directed to arbitrate this action promptly and to notify the Court when arbitration is completed.
3. This action be stayed pending arbitration.
4. The Clerk of Court be directed to terminate all deadlines and administratively close this file until the parties notify the Court that the parties have completed arbitration and either the stay is due to be lifted or the case is due to be dismissed.

**RESPECTFULLY RECOMMENDED** in Chambers in Ft. Myers, Florida on February 13, 2020.

  
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MAC R. MCCOY  
UNITED STATES MAGISTRATE JUDGE

**NOTICE TO PARTIES**

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Copies furnished to:

Counsel of Record  
Unrepresented Parties