

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MIKE GILBERT,

Plaintiff,

v.

Case No. 6:19-cv-2412-Orl-37LRH

COMFORT KEEPERS HOME CARE,
LLC; SODEXO, INC.; SDX HOME
CARE OPERATION, LLC; and CK
FRANCHISING, INC.,

Defendants.

ORDER

Plaintiff sued Defendants in state court, removed here, for failing to pay overtime wages in violation of the Fair Labor Standards Act (“**FLSA**”). (Docs. 1, 1-1.) To date, Plaintiff has failed to file his answers to the Court’s FLSA interrogatories (*see* Docs. 7, 13)—even after U.S. Magistrate Judge Leslie R. Hoffman ordered Plaintiff to show cause why sanctions should not be imposed for failing to timely file and warning Plaintiff that continuing to ignore the Court’s orders “may result in the dismissal of this case without further warning.” (*See* Doc. 20.) Given these repeated failures, Judge Hoffman recommends dismissing the case without prejudice for failure to prosecute and failure to comply with Court orders. (Doc. 21 (“**R&R**”).)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan 28, 2016); *see*

also *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). Finding none, the R&R is adopted in its entirety.

It is **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Leslie R. Hoffman's Report and Recommendation (Doc. 21) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Complaint (Doc. 1-1) is **DISMISSED WITHOUT PREJUDICE**.
3. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on May 19, 2020.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro Se Party