

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

CASEY BARNUM,

Plaintiff,

Case No. 3:20-cv-458-MMH-JBT

v.

S2RESIDENTIAL and S2 CAPITAL LLC,

Defendants.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 33; Report) entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on February 25, 2021. In the Report, Judge Toomey recommends that Defendants' Motion to Dismiss or, Alternatively, to Stay and to Compel Arbitration (Dkt. No. 12) be granted to the extent that Plaintiff be compelled to submit his claims to arbitration, denied with respect to Defendants' request for dismissal, and that the case be stayed pending completion of arbitration. See Report at 1-2, 11.

On March 11, 2021, after receiving the Report, Plaintiff filed Plaintiff's Motion for Extension to Serve and File Specific Objections (Dkt. No. 34; First Motion). Despite the fact that he presented no grounds warranting an extension

of time, the Magistrate Judge gave Plaintiff up to and including March 31, 2021, to file objections to the Report. See Order (Dkt. No. 35). Plaintiff did not file objections by that date, instead on March 31, 2021, he filed a second Motion for Leave to Serve and File Specific Objections (Dkt. No. 36; Second Motion). Again, he presented no facts or circumstances warranting an extension of time, but the Magistrate Judge nevertheless gave him until April 30, 2021, to file his objections. See Order (Dkt. No. 37). On the April 30th deadline, Plaintiff filed Plaintiff's Petition for Extension to Serve and File Specific Objections (Dkt. No. 38; Third Motion) in which he repeated many of the same statements from the Second Motion, none of which explained his need for another, this time a 45 day extension of time. Despite this, in an abundance of caution, because Plaintiff was proceeding pro se and operating in the midst of a global pandemic, the Magistrate Judge granted him "one likely final extension." Order (Dkt. No. 40). In doing so, the Magistrate Judge advised Plaintiff that "no further extensions will be granted absent unavoidable emergency circumstances." Id. Yet, on June 14, 2021, Plaintiff filed another request for an extension of time to file objections. See Plaintiff's Plea for Extension to Serve and File Specific Objections (Dkt. No. 41; Fourth Motion). Although Defendants had not opposed Plaintiff's previous motions, Defendants filed a response opposing the Fourth Motion noting that Plaintiff had failed to show good cause and had already been given "nearly

eighty (80) additional days” to submit any objections. See Defendant’s Response in Opposition to Plaintiff’s Petition for Extension to Serve and File Specific Objections (Dkt. No. 43). On July 1, 2021, because Plaintiff had already been given over three months to file objections and did not show any unavoidable emergency circumstances to justify his request for additional time, the Magistrate Judge denied his motion. See Order (Dkt. No. 44). As of the date of this Order, despite the passage of almost five months since the entry of the Report, Plaintiff has filed no objections. Thus, the Report is ripe for consideration by the Court.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge’s Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge.

Accordingly, it is hereby

ORDERED:

1. The Report and Recommendation (Dkt. No. 33) is **ADOPTED** as the opinion of the Court.
2. Defendants' Motion to Dismiss or, Alternatively, to Stay and to Compel Arbitration (Dkt. No. 12) is **GRANTED, in part, and DENIED, in part**.
 - a. The Motion is **GRANTED** to the extent that the parties are directed to submit all of Plaintiff's claims to arbitration.
 - b. The Motion is **DENIED** to the extent Defendants request that this case be dismissed.
3. This case is **STAYED** pending arbitration of Plaintiff's claims.
4. The Clerk of the Court is directed to administratively close this case pending further Order of the Court.

5. The parties are **DIRECTED** to file a joint status report upon the conclusion of the arbitration. If the arbitration is not completed by **November 23, 2021**, then the parties shall file a joint status report at that time and every 120 days thereafter until the arbitration proceedings are completed.

DONE AND ORDERED at Jacksonville, Florida, this 23rd day of July, 2021.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Parties