

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

ANDY TONG,

Plaintiff,

vs.

Case No. 3:21-cv-1235-MMH-JBT

JEFFREY ALAN SIEGMEISTER,
as former State Attorney for the
Third Judicial Circuit of Florida,

Defendant.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 68; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on November 17, 2023. In the Report, Judge Toomey recommends that Plaintiff's Amended Motion for Default Judgment Against Jeffrey Alan Siegmeister (Dkt. No. 60) be granted and a final default judgment be entered in favor of Plaintiff and against Defendant. See Report at 1, 13. No objections to the Report have been filed, and the time for doing so has now passed.

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).

Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1). However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.¹ As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

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

¹ The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 13.

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 68) is **ADOPTED** as the opinion of the Court.
2. Plaintiff's Amended Motion for Default Judgment Against Jeffrey Alan Siegmeister (Dkt. No. 60) is **GRANTED**.
3. The Clerk of Court is directed to enter judgment in favor of Plaintiff, Andy Tong, and against Defendant, Jeffrey Alan Siegmeister, in the amount of \$235,869.00. Post-judgment interest will accrue at the statutory rate set forth in 28 U.S.C. § 1961.
4. The Clerk of the Court is further directed to terminate any deadlines and motions as moot and close the file.

DONE AND ORDERED in Jacksonville, Florida, this 11th day of December, 2023.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Parties