

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

ANDRE THOMAS,

Plaintiff,

v.

Case No. 3:22-cv-522-MMH-MCR

K&D FRAMING AND  
DRYWALL CORP.,

Defendant.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 27; Report), entered by the Honorable Monte C. Richardson, United States Magistrate Judge, on February 8, 2024. In the Report, Judge Richardson recommends that Plaintiff's Renewed Motion for Default Final Judgment Against Defendant K&D Framing and Drywall Corp. (Dkt. No. 26; Motion) be granted as stated in the Report. See Report at 1, 18-19. 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.<sup>1</sup> 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 in the absence of any objections, the Court will accept and adopt the Magistrate Judge’s recommended resolution of the Motion. Accordingly, it is hereby

**ORDERED:**

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

1. The Magistrate Judge's recommended resolution set forth in the Report and Recommendation (Dkt. No. 27) is **ADOPTED**.
2. Plaintiff's Renewed Motion for Default Final Judgment Against Defendant K&D Framing and Drywall Corp. (Dkt. No. 26) is **GRANTED to the extent set forth below**.
3. The Clerk of the Court is directed to enter a default judgment in favor of Plaintiff and against Defendant K&D Framing and Drywall Corp. in the total amount of \$6,998.50, allocated as follows:
  - a. \$1,740.00 on the minimum wage claim (Count I), inclusive of liquidated damages;
  - b. \$3,150.00 on the overtime claim (Count II), inclusive of liquidated damages;
  - c. \$1,650.00 on the FLSA retaliation claim (Count III), and
  - d. \$458.50 in costs
4. The Clerk of the Court is further directed to close the file.

**DONE AND ORDERED** in Jacksonville, Florida, this 26th day of February, 2024.

  
**MARCIA MORALES HOWARD**  
United States District Judge

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Copies to:

Counsel of Record

Defendant's Registered Agent:

Taxsmart Accounting Services LLC

6653 Powers Avenue, Ste. 136

Jacksonville, FL 32217

Defendant's Last Known Place of Business:

K&D Framing and Drywall Corp.

12070 Stirrup Court

Jacksonville, FL 32246