

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PROGRESSIVE COUNTY MUTUAL
INSURANCE COMPANY,

Plaintiff,

v.

Case No: 6:22-cv-2170-JSS-RMN

KEECHI TRANSPORT LLC and
STAR K LOGISTICS CORP.,

Defendants.

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ORDER

Plaintiff moves for judgment on the pleadings against Defendants Amazon.com, Inc., Amazon Logistics, Inc., Scott Atkinson, and Joseph Ulibarri, Jr. and for entry of final default judgment against Defendants Keechi Transport LLC and Star K Logistics Corp. (Motion, Dkt. 114.) On April 29, 2024, Magistrate Judge Robert Norway issued a Report and Recommendation recommending that Plaintiff's Motion be denied and this case be dismissed for lack of subject matter jurisdiction. (Dkt. 118.) The deadline for filing objections has passed and no party has objected to the Report and Recommendation.

After conducting a careful and complete review of the findings and recommendations, a district judge "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)(1); *see also* Fed. R. Civ. P. 72. A party must serve and file written objections to

such proposed findings and recommendations within 14 days of being served with a copy of the report and recommendation and the failure to timely object “waives the right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions[.]” 28 U.S.C. § 636(b)(1)(C); 11th Cir. R. 3-1. With respect to non-dispositive matters, the district judge “must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); *see Jordan v. Comm’r, Miss. Dep’t of Corr.*, 947 F.3d 1322, 1327 (11th Cir. 2020). For dispositive matters, the district judge must conduct a de novo review of any portion of the report and recommendation to which a timely objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *United States v. Farias-Gonzalez*, 556 F.3d 1181, 1184 n.1 (11th Cir. 2009) (“A district court makes a de novo determination of those portions of a magistrate’s report to which objections are filed.”). Even in the absence of a specific objection, the district judge reviews any legal conclusions de novo. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm’rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

Upon conducting a careful and complete review of the Magistrate Judge’s findings, conclusions, and recommendations, and giving de novo review to matters of law, the court adopts the report and recommendation in full.

Accordingly:

1. The Magistrate Judge’s Report and Recommendation (Dkt. 118) is **ACCEPTED** and **ADOPTED**.
2. Plaintiff’s Motion (Dkt. 114) is **DENIED**.

3. This case is **DISMISSED** for lack of subject matter jurisdiction.
4. The Clerk is directed to terminate all pending motions and deadlines and **CLOSE** this case.

ORDERED in Orlando, Florida, on May 15, 2024.



JULIE S. SNEED
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record