

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

CLEAR SPRING PROPERTY AND  
CASUALTY COMPANY,

Plaintiffs,

v.

Case No. 8:22-cv-2708-TPB-SPF

TODD SMRKE,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter is before the Court on consideration of the report and recommendation of Sean P. Flynn, United States Magistrate Judge, entered on October 17, 2023. (Doc. 19). Judge Flynn recommends that “Plaintiff’s Motion for Default Judgment” (Doc. 16) be granted. No objections to the report and recommendation have been filed and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal

conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

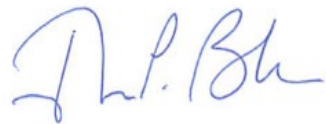
Upon due consideration of the record, including Judge Flynn's report and recommendation, the Court adopts the report and recommendation in its entirety. The Court agrees with Judge Flynn's well-reasoned factual findings and conclusions and consequently, "Plaintiff's Motion for Default Judgment" (Doc. 16) is granted.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The report and recommendation (Doc. 19) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff's Motion for Default Judgment" (Doc. 16) is **GRANTED**.
- (4) The Court directs the Clerk to enter a final default judgment for Plaintiff on Counts I, II, III, and IV and to thereafter close the case.

**DONE** and **ORDERED** in Chambers, in Tampa, Florida, this 2nd day of November, 2023.



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**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**