

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

HELEN DIANE MATZ,

Plaintiff,

v.

Case No. 3:23-cv-293-MMH-PDB

MCCORMICK TRUCKING, INC.
and EARLONDEZ DONTA BOND,

Defendants.

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ORDER

THIS CAUSE is before the Court on the Report & Recommendation (Dkt. No. 47; Report), entered by the Honorable Patricia D. Barksdale, United States Magistrate Judge, on February 2, 2024. In the Report, Judge Barksdale recommends that Plaintiff's Motion for Default Judgment Against Defendant Earlondez Donta Bond (Dkt. No. 46) be denied without prejudice to filing a renewed motion within 14 days after the claim against McCormick Trucking is decided. See Report at 3-4. 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

ORDERED:

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 4.

1. The Magistrate Judge's Report & Recommendation (Dkt. No. 47) is **ADOPTED** as the opinion of the Court.
2. Plaintiff's Motion for Default Judgment Against Defendant Earlondez Donta Bond (Dkt. No. 46) is **DENIED without prejudice** to filing a renewed motion within 14 days after the claim against McCormick Trucking is decided.

DONE AND ORDERED in Jacksonville, Florida, this 22nd day of February, 2024.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record