

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

FIRESTONE FINANCIAL, LLC,

Plaintiff,

v.

Case No. 3:23-cv-988-MMH-SJH

FAP LOGISTICS, LLC and
ZLATKO HADZIMURTOVIC,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Doc. 49; Report) entered by the Honorable Samuel J. Horovitz, United States Magistrate Judge, on October 1, 2024. In the Report, Judge Horovitz recommends that the Motion for Default Judgment (Doc. 42) be denied and that this action be dismissed without prejudice for lack of subject matter jurisdiction. See Report at 1, 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. 3-1.¹ 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 Report and Recommendation (Doc. 49) is **ADOPTED** as the opinion of the Court.

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 20.

2. The Motion for Default Judgment (Doc. 42) is **DENIED**.
3. This case is **DISMISSED without prejudice**.
4. The Clerk of the Court is directed to terminate any pending motions and close the file.

DONE AND ORDERED in Jacksonville, Florida this 21st day of October, 2024.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:
Counsel of Record
Pro Se Parties