

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DIANNA ROSSER, Individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

Case No.: 2:23-cv-1107-SPC-KCD

GROWIN ESTATE LLC,

Defendant.

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**OPINION AND ORDER**

Before the Court is Plaintiff's Motion for Entry of Default Judgment (Doc. 21) and United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 24). Judge Dudek recommends that Plaintiff's Motion be granted. (Doc. 24). No party objected, so the matter is ripe for review.

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 magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that a district judge review the Report and Recommendation de novo. *See Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don't object, a district court need only correct plain error as demanded

by the interests of justice. *See, e.g., Symonette v. V.A. Leasing Corp.*, 648 F. App'x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999).

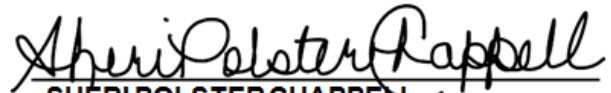
After careful consideration and an independent review of the case, the Court finds no plain error. It accepts and adopts the Report and Recommendation in full.

Accordingly, it is now

**ORDERED:**

1. United States Magistrate Judge Kyle C. Dudek’s Report and Recommendation (Doc. 24) is **ACCEPTED and ADOPTED**, and the findings incorporated herein.
2. Plaintiff’s claims to represent a class of similarly situated persons and obtain injunctive relief are **DISMISSED** as Plaintiff has abandoned and withdrawn those claims.
3. Plaintiff’s Motion for Entry of Default Judgment (Doc. 21) is **GRANTED**.
4. The Clerk is **DIRECTED** to enter judgment in favor of Plaintiff in the amount of \$1,000.

**DONE** and **ORDERED** in Fort Myers, Florida on March 12, 2024.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record