

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOE HAND PROMOTIONS, INC.

Plaintiff,

v.

Case No. 8:23-cv-2311-VMC-NHA

RALPH A. WILLIAMS et al.,

Defendants.

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Natalie Hirt Adams's Report and Recommendation (Doc. # 56), entered on May 17, 2024, recommending that Defendant Diane Williams's construed motion to set aside the Clerk's default against her (Doc. # 49) be denied.

On May 31, 2024, Defendants Diane and Ralph Williams filed an objection to the Report and Recommendation. (Doc. # 60). In the objection, Defendants raise several arguments, including, among others, that the Report and Recommendation denies them due process and equal protection under the law, was not provided along with a summons and complaint, overlooks Defendants' filings and efforts to participate in the case, and overlooks Plaintiff's failure to take several actions in

the case. (Id. at 1-3). Plaintiff did not file a response to the objection, and the time for the parties to file such objections has elapsed.

The Court accepts and adopts the Report and Recommendation, overrules the objection, and denies the construed motion to set aside Clerk's default.

Discussion

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); 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 recommendation. 28 U.S.C. § 636(b)(1)(C). If a party files a timely and specific objection to a finding of fact by the magistrate judge, the district court must conduct a *de novo* review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). 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).


Upon due consideration of the record, including Judge Adams's Report and Recommendation as well as the objection thereto, the Court overrules the objection and adopts the Report and Recommendation. The Court agrees with Judge Adams's well-reasoned findings of fact and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented, and the objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 56) is **ACCEPTED** and **ADOPTED**.
- (2) Defendant Diane Williams's construed motion to set aside Clerk's default (Doc. # 49) is **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 26th day of June, 2024.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE