

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSUE FRANCISCO REYES
MONTERROSO, CONCEPCION
MALAQUIAZ REYES
MONTERROSO and JENNIFER
GUADALUPE MARTINEZ
FERRER,

Plaintiffs,

v.

Case No.: 2:24-cv-420-SPC-KCD

HERNAN CARRANZA,

Defendant.

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OPINION AND ORDER

Before the Court is Plaintiffs' Motion for Default Judgment (Doc. 30) and United States Magistrate Judge Kyle C. Dudek's Report and Recommendation (Doc. 31). Judge Dudek recommends that Plaintiffs' motion be granted. 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," a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1)(C). In the absence of a specific objection, there is no requirement that a district judge review a 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. 31) is **ACCEPTED and ADOPTED**, and the findings incorporated herein.
2. Plaintiffs' Motion for Default Judgment (Doc. 30) is **GRANTED** as to Counts I, III, and V.
3. The Clerk is **DIRECTED** to enter default judgment against Defendant as follows:
 - a. \$3,450 to Plaintiff Josue Francisco Reyes Monterroso;
 - b. \$3,450 to Plaintiff Concepcion Malaquiaz Reyes Monterroso;

c. \$3,375 to Plaintiff Jennifer Guadalupe Martinez Ferrer; and

d. \$3,160 in attorney's fees and \$927 in costs.

4. The Court deems Counts II, IV, and VI abandoned.

DONE and **ORDERED** in Fort Myers, Florida on January 6, 2025.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record