

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

CARL ASHTON,

Plaintiff,

v.

Case No.: 2:24-cv-572-SPC-KCD

PARKER HOUSE PROPERTIES,  
INC.,

Defendant.

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**OPINION AND ORDER**

Before the Court is Judge Kyle C. Dudek’s Report and Recommendation (“R&R”). (Doc. 7). Judge Dudek recommends that the Court dismiss this action without prejudice because Plaintiff failed to file an amended complaint as directed. Plaintiff has not objected to the R&R, and the time to do so has expired. The R&R 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 R&R. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that a district judge review the R&R 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. So, it accepts and adopts the R&R in full. Accordingly, it is now

**ORDERED:**

1. Judge Dudek’s Report and Recommendation (Doc. 7) is **ACCEPTED and ADOPTED**, and the findings incorporated herein.
2. This action is **DISMISSED without prejudice**.
3. The Clerk is **DIRECTED** to deny any pending motions as moot, terminate any deadlines, and close the case.

**DONE and ORDERED** in Fort Myers, Florida on September 19, 2024.

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

Copies: All Parties of Record