

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

DEBRA FIALEK, an individual,

Plaintiff,

v.

Case No.: 3:18-cv-136-J-39MCR

I.C. SYSTEMS, INC., et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Doc. 56; Report), entered by the Honorable Monte C. Richardson, United States Magistrate Judge, on January 24, 2019. In the Report, the Magistrate Judge recommends that the Court grant Defendant Bellsouth Telecommunications, LLC's Motion to Compel Arbitration (Doc. 35). Report at 2. No party filed an objection to the Report and the time to do so has passed.¹ Accordingly, the matter is ripe for review.

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). If no specific objections to findings of fact are filed, the district judge is not required to conduct a *de novo* review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 & n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). Further, if no objections to a magistrate judge's report and recommendation are filed, the district court reviews legal conclusions only for

¹ Rule 6.02(a), Local Rules, United States District Court, Middle District of Florida (Local Rule(s)) directs that any objections to a report and recommendation should be filed within fourteen days after service of the report and recommendation.

plain error and only if necessary in the interests of justice. Shepherd v. Wilson, 663 F. App'x 813, 816 (11th Cir. 2016); see also Mitchell v. United States, 612 F. App'x 542, 545 (11th Cir. 2015) (noting that under 11th Circuit Rule 3-1, the appellant would have waived his ability to object to the district court's final order on a report and recommendation where appellant failed to object to that report and recommendation). "Under plain error review, we can correct an error only when (1) an error has occurred, (2) the error was plain, (3) the error affected substantial rights, and (4) the error seriously affects the fairness, integrity or public reputation of judicial proceedings." Symonette v. V.A. Leasing Corp., 648 F. App'x 787, 790 (11th Cir. 2016) (citing Farley v. Nationwide Mut. Ins. Co., 197 F.3d 1322, 1329 (11th Cir. 1999)). Upon independent review of the entire record, the undersigned finds no plain error in the Report.

Accordingly, it is hereby

ORDERED:

1. The Court **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc.56) as the opinion of the Court.
2. Defendant Bellsouth Telecommunications, LLC's Motion to Compel Arbitration (Doc. 35) is **GRANTED**.
3. The parties are **DIRECTED** to submit to arbitration as set forth in the Arbitration Provision contained in the Customer Agreement.
4. This case is **STAYED** pending arbitration.
5. The parties are further **DIRECTED** to file a joint status report with this Court every one hundred and twenty (120) days until this matter is resolved.

6. The Clerk is **DIRECTED** to terminate all deadlines and motions, and to **ADMINISTRATIVELY CLOSE** this case.

DONE AND ORDERED in Jacksonville, Florida, this 14th day of March, 2019.



BRIAN J. DAVIS
United States District Judge

Copies furnished to:

Honorable Monte C. Richardson
United States Magistrate Judge

Counsel of Record
Unrepresented Parties

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