

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA

**Prometheus Maritime Investments, LLC v. S/Y Dreamer, A 1995 55'
Bruce Roberts Sailboat, former Official No. 1030661, in rem, and her
owners, Fernando Villa and Zapallal Reforestation, Inc., in personam**

Prometheus Maritime · No. 8:25-cv-941-MSS-CPT · Decided January 20, 2026

SUMMARY

The United States District Court for the Middle District of Florida adopts a magistrate judge’s Report and Recommendation granting the plaintiff’s renewed motion for interlocutory sale of the vessel S/Y Dreamer. The order directs the United States Marshal to conduct a public auction, establishes notice and bidding procedures, permits a \$25,000 credit bid, and provides for confirmation of the sale and determination of priority claims to the proceeds.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida
WRITING FOR THE COURT	Mary S. Scriven
JURISDICTION	United States District Court for the Middle District of Florida
DECIDED	January 20, 2026
DOCKET	8:25-cv-941-MSS-CPT
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation recommending that Plaintiff's renewed motion for interlocutory sale of the vessel be granted. No objections were filed, and the district court adopted the Report and Recommendation and ordered the vessel sold at public auction.
STANDARD OF REVIEW	Under 28 U.S.C. § 636(b)(1), specific objections to a magistrate judge's proposed findings or recommendations receive de novo review; absent specific objections, factual findings need not be reviewed de novo, although the district judge may accept, reject, or modify the recommendation. Legal conclusions are reviewed de novo even absent an objection.
PRECEDENTIAL VALUE	Unknown

PARTIES

Prometheus Maritime Investments, LLC v. S/Y Dreamer, a 1995 55' Bruce Roberts Sailboat, former Official No. 1030661, in rem, Fernando Villa, Zapallal Reforestation, Inc.

TOPICS

admiralty

vessel arrest

remedies

civil procedure

commercial litigation

PRACTICE AREAS

admiralty

civil procedure

remedies

commercial litigation

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation where no party filed a specific objection.
2. Whether Plaintiff's renewed motion for interlocutory sale of the vessel should be granted.
3. What procedures should govern notice, bidding, payment, sale confirmation, and disposition of proceeds from the court-ordered vessel sale.

HOLDINGS

1. Where no specific objection is filed, the district court may accept, reject, or modify the magistrate judge's findings and recommendations after review, and it may review legal conclusions de novo. The court adopted, confirmed, and approved the Report and Recommendation in all respects.
2. The renewed motion for interlocutory sale was granted, and the United States Marshal was ordered to sell S/Y Dreamer and its identified equipment and appurtenances at public auction to the highest obtainable bidder.

KEY QUOTATIONS

"Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court concludes that the Report and Recommendation should be adopted, confirmed, and approved in all respects."

FACTUAL BACKGROUND

The action concerns the vessel S/Y Dreamer, a 1995 55-foot Bruce Roberts sailboat, together with its engines, tackle, apparel, and appurtenances. Plaintiff sought an interlocutory sale of the vessel, and the magistrate judge recommended granting that relief. The district court ordered a public auction, established notice and payment procedures, authorized Plaintiff to make a \$25,000 credit bid, and reserved claims concerning priority and entitlement to sale proceeds for later adjudication.

PROCEDURAL HISTORY

Plaintiff filed a renewed motion for interlocutory sale of the vessel. Magistrate Judge Christopher P. Tuite issued a Report and Recommendation on December 31, 2025, recommending that the motion be granted. After the objection period expired without objections, District Judge Mary S. Scriven independently reviewed the file, adopted the Report and Recommendation, and entered detailed procedures for the sale and confirmation of the vessel.

DISPOSITION

other

CASES CITED

- Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982)
- Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir. 1990)
- Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993)
- Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
IN ADMIRALTY PROMETHEUS MARITIME INVESTMENTS, LLC, Plaintiff, v. Case No:
8:25-cv-941-MSS-CPT S/Y DREAMER, A 1995 55' BRUCE ROBERTS SAILBOAT, former
Official No. 1030661, in rem, and her owners, FERNANDO VILLA AND ZAPALLAL
REFORESTATION, INC., in personam, Defendants. ORDER THIS CAUSE comes before the
Court for consideration of United States Magistrate Judge Christopher P. Tuite's Report and
Recommendation dated December 31, 2025, (Dkt.

57), which recommends that Plaintiff's Renewed Motion for Interlocutory Sale of Vessel, (Dkt. 33), be granted. No objection has been filed in response to the Report and Recommendation and the time for an objection to be filed has passed.

As explained below, the Report and Recommendation is due to be ADOPTED. In the Eleventh Circuit, a district judge may accept, reject, or modify the magistrate judge's report and recommendation after conducting a careful and complete review of the findings and recommendations. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982).

A district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This requires that the district judge "give fresh consideration to those issues to which specific objection has been made by a party." Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R.

1609, 94th Cong. § 2 (1976)). 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 recommendations. 28 U.S.C. § 636(b)(1)(C).

The district judge reviews legal conclusions de novo, even in the absence of an objection. See *Cooper-Houston v. Southern Ry.*, 37 F.3d 603, 604 (11th Cir. 1994). Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court concludes that the Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is ORDERED that: 1. The Report and Recommendation, (Dkt. 57), is CONFIRMED and ADOPTED as part of this Order. 2. The United States Marshal for the Middle District of Florida shall sell the Vessel, which is more particularly described as the S/Y Dreamer, a 1995 55' Bruce Roberts Sailboat, former Official No. 1030661, her engines, tackle, apparel, appurtenances, etc., at a public auction for the highest price that can be obtained.

3. The public auction shall take place within thirty (30) days of the issuance of the Court's Order at a date and time acceptable to the United States Marshal or at the Marshal's office located on the Fourth Floor of the Samuel M. Gibbons Courthouse, 801 North Florida Avenue, Tampa, Florida 33601. 4. Prometheus shall give notice of the date, time, and place of the sale to (i) the Vessel's owners and all known lien holders via mail or Federal Express at the owners' address(es) listed on the return of service and via the electronic court filing system; and (ii) the public-at-large by advertising same at least once per week for two successive weeks in the Tampa Bay Times, a newspaper of general circulation within this District, the first advertisement in the publication to be at least seven (7) days before the date of the Court-ordered sale; and the second publication to be at least three (3) days before the date of the sale per Section 5(q) of the Middle District of Florida's Admiralty and Maritime Practice Manual (Practice Manual).

5. Prometheus shall be allowed to credit bid in the amount of \$25,000 and to deposit said sum with the United States Marshal in lieu of cash or other funds should it be the highest bidder. 6. The United States Marshal shall require at the Court-ordered sale that the highest bidder, except for Prometheus (which—as noted above—is entitled to a credit bid of \$25,000), deposit with the United States Marshals for the Middle District of Florida ten percent of the bid price and the remaining purchase price within three (3) days or, if an objection to the sale is received, three (3) days after the confirmation of the sale of the Vessel pursuant to Section 5(r) of the Practice Manual.

7. The United States Marshal shall pay into the registry of the United States District Court for the Middle District of Florida any and all monies received as a result of the sale, and the parties who

have asserted claims or liens to such proceeds, including the Defendants here, shall be provided an opportunity to present and argue their case regarding priority and entitlement to such proceeds.

8. The United States Marshal shall prepare such documents and reports that may be necessary for the confirmation of the sale by the United States District Court. 9. The confirmation hearing shall be held at the United States District Court for the Middle District of Florida or remotely, at the Court's discretion, on a date and time to be established by the Court, which shall be after the objection period provided for in Section 5(r)(7) of the Practice Manual.

At the confirmation hearing the Parties shall be prepared to discuss how this case will proceed with respect to both Counts of the Verified Complaint. 10. Prometheus shall inform any successful bidder which is not a party to this case of the date and time of the confirmation hearing. DONE and ORDERED in Tampa, Florida, this 20th day of January 2026. // | f MARY'.S_SGRIVEN UNITED STATES DISTRICT JUDGE Copies furnished to: Counsel of Record Any Unrepresented Person c&