

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Prosomnus Sleep Technologies, Inc. v. Nyree Penn

Penn · No. 0:25-cv-60110-LEIBOWITZ/AUGUSTIN-BIRCH · Decided February 9, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted a magistrate judge’s report and recommendation on Prosomnus Sleep Technologies, Inc.’s motion for final default judgment. The court entered a permanent injunction against the defendants’ distribution, promotion, sale, or offering for sale of specified sleep-related goods and services and awarded \$100,000 in statutory damages per defendant. The court directed entry of a final default judgment and closed the case.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	David S. Leibowitz
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 9, 2026
DOCKET	0:25-cv-60110-LEIBOWITZ/AUGUSTIN-BIRCH
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's Report and Recommendation on Plaintiff's motion for final default judgment. No party filed timely objections.
STANDARD OF REVIEW	Portions of the magistrate judge's report to which timely, specific objections are made are reviewed de novo; portions to which no objections are made are reviewed for clear error. Because no objections were filed, the court reviewed the Report and Recommendation for clear error.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- default judgment
- injunctions
- damages
- civil procedure
- trademark infringement

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's Report and Recommendation when no timely objections were filed.
2. Whether final default judgment, a permanent injunction, and statutory damages of \$100,000 per defendant should be entered as recommended.

HOLDINGS

1. When no timely objections are filed, the district court reviews the unobjected-to portions of the magistrate judge's Report and Recommendation for clear error rather than conducting de novo review.
2. The court adopted the Report and Recommendation in its entirety and granted Plaintiff's motion for final default judgment in part and denied it in part.
3. The defendants and persons acting in concert with them were permanently enjoined from distributing, promoting, selling, or offering for sale the specified goods and services in connection with the identified sleep-related activities.
4. Plaintiff was awarded \$100,000 in statutory damages per defendant.

KEY QUOTATIONS

"To the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error."

"The Court adopts the R&R in its entirety."

FACTUAL BACKGROUND

Plaintiff alleged trademark-related infringement involving defendants' goods and services, including sleep therapy assessments, clinical sleep treatments, sleep apnea treatments, sleep-aid supplements and prescriptions, sleep therapy retreats and workshops, and continuing educational courses for healthcare professionals. The order identifies Nyree Penn and several related business entities as defendants and states that final default judgment was recommended against them.

PROCEDURAL HISTORY

Plaintiff moved for final default judgment against the defendants. Magistrate Judge Panayotta Augustin-Birch recommended granting the motion in part and denying it in part, entering default judgment, issuing a permanent injunction, and awarding \$100,000 in statutory damages per defendant. With no objections filed, the district court reviewed the recommendation for clear error, adopted it in its entirety, granted the motion in part and denied it in part, directed that final judgment be entered under Rule 58, and closed the case.

DISPOSITION

other

CASES CITED

- Macort v. Prem, Inc., 208 F. App'x 781, 783-84 (11th Cir. 2006)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 0:25-cv-60110-LEIBOWITZ/AUGUSTIN-BIRCH PROSOMNUS SLEEP TECHNOLOGIES, INC., Plaintiff, v. NYREE PENN,, Defendants. _____/ ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION THIS CAUSE is before the Court on United States Magistrate Judge Panayotta Augustin- Birch's Report and Recommendation on Plaintiff's Motion for Final Default Judgment [ECF No. 35].

[ECF No. 41 (the "R&R")]. Judge Augustin-Birch recommends the Motion for Final Default Judgment [ECF No. 35] be granted in part and denied in part. [ECF No. 41 at 15]. Judge Augustin-Birch recommends that a final default judgment be entered in favor of Plaintiff and against Defendants Nyree Penn, Prosomnia Sleep, LLC, Prosomnia Sleep Health & Wellness of Aventura, LLC, and Prosomnia Sleep Management LLC (collectively, "Defendants").

[Id.]. Judge Augustin-Birch also recommends entry of a permanent injunction and an award of \$100,000 of statutory damages per Defendant. [Id.]. No objections were filed to the R&R. After careful review, the Court adopts Judge Augustin-Birch's R&R in its entirety. "In order to challenge the findings and recommendations of the magistrate judge, a party must file written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection." Macort v. Prem, Inc., 208 F. App'x 781, 783 (11th Cir.

2006) (cleaned up). The objections must also present "supporting legal authority." S.D. Fla. L. Mag. J.R. 4(b). Once a district court receives "objections meeting the specificity requirement set out above," it must "make a de novo determination of those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." Macort, 208 F. App'x at 783–84 (cleaned up).

To the extent a party fails to object to parts of the magistrate judge's report, those portions are reviewed for clear error. Id. at 784 (cleaned up). The parties have not submitted any objections to Judge Augustin-Birch's R&R, and the time to do so has expired.

As such, the Court has reviewed the R&R for clear error only. Upon this review, the Court finds not only no clear error but also notes that Judge Augustin-Birch's R&R is thorough, cogent, and compelling. The Court adopts the R&R in its entirety.

Accordingly, it is hereby ORDERED AND ADJUDGED as follows: 1. Magistrate Judge Augustin-Birch's R&R [ECF No. 41] is AFFIRMED AND ADOPTED. 2. Plaintiff's Motion for Final Default Judgment [ECF No. 35] is GRANTED IN PART AND DENIED IN PART.

The Court will issue a Final Default Judgment in accordance with Rule 58. 3. Defendants, their officers, directors, employees, agents, servants, attorneys, and all persons in active concert or participation with Defendants are permanently enjoined from distributing, promoting, selling, or offering for sale any of their goods or services, including their Infringing Goods and Services in connection with sleep therapy assessments, clinical sleep treatments, sleep apnea treatments, sleep-aid supplements and prescriptions, sleep therapy retreats and workshops for the general public and continuing educational courses for healthcare professionals.

4. Plaintiff is awarded \$100,000 per Defendant in statutory damages. 5. 'The Clerk is directed to CLOSE this case. All deadlines are TERMINATED, and any pending motions are DENIED as moot. DONE AND ORDERED in the Southern District of Florida on February 9, 2026. suka, 2S DAVID S. LEIBOWITZ UNITED STATES DISTRICT JUDGE cc: counsel of record Nyree Penn, pro se Prosomma Sleep, LLC, pro se Prosomnia Sleep Health & Wellness of Aventura, LLC, pro se Prosomma Sleep Management, LLC, pro se