

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Justin Masse v. MSC Cruises, S.A.

Masse · No. 24-61121-CIV-DAMIAN/Strauss · Decided March 25, 2026

SUMMARY

The United States District Court for the Southern District of Florida affirmed and adopted the magistrate judge’s report and recommendation concerning the defendant’s motion for costs. The court granted the motion in part and awarded MSC Cruises, S.A. \$1,180.75 in taxable costs under 28 U.S.C. § 1920, plus interest under 28 U.S.C. § 1961.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 25, 2026
DOCKET	24-61121-CIV-DAMIAN/Strauss
DISPOSITION	affirmed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation on the defendant's re-filed motion for costs. No party filed timely objections.
STANDARD OF REVIEW	When no timely objection is filed to a magistrate judge's report and recommendation, the district court need only determine whether there is clear error on the face of the record.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

TOPICS

costs civil procedure

PRACTICE AREAS

civil procedure admiralty costs

QUESTIONS PRESENTED

1. What standard of review applies when no party timely objects to a magistrate judge's report and recommendation?

2. Whether the magistrate judge's recommendation concerning Defendant's taxable costs should be adopted and Defendant's motion for costs granted in part.

HOLDINGS

1. When no party timely objects to a magistrate judge's report and recommendation, the district court need only determine whether there is clear error on the face of the record.
2. The court affirmed and adopted the magistrate judge's report and recommendation, granted in part and denied in part Defendant's motion for costs, and awarded Defendant \$1,180.75 in taxable costs plus interest.

KEY QUOTATIONS

“When no party has timely objected, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.””

“It does not appear that Congress intended to require district court review of a magistrate [judge]’s factual or legal conclusions, under a de novo or any other standard, when neither party objects.”

FACTUAL BACKGROUND

Defendant filed a re-filed motion for costs, and Magistrate Judge Jared M. Strauss recommended awarding Defendant \$1,180.75 in taxable costs. Plaintiff did not file a response to the motion, and neither party filed objections to the report and recommendation.

PROCEDURAL HISTORY

Magistrate Judge Jared M. Strauss recommended granting in part the defendant's motion for costs and awarding \$1,180.75 in taxable costs. The parties did not object within the permitted time. The district court found no clear error, affirmed and adopted the report and recommendation, and granted in part and denied in part the motion for costs.

DISPOSITION

affirmed

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 150 (1985)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 24-61121-CIV-DAMIAN/Strauss JUSTIN MASSE, Plaintiff, v. MSC CRUISES, S.A., Defendant.
_____/ ORDER AFFIRMING AND ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION [ECF NO. 45] AND GRANTING IN PART DEFENDANT’S MOTION FOR COSTS [ECF NO. 42] THIS CAUSE is before the Court on the

Report and Recommendation on Defendant's (Re-Filed) Motion for Costs [ECF No. 42] of United States Magistrate Judge Jared M. Strauss, entered on February 13, 2026 [ECF No. 45 ("Report")].

Judge Strauss recommends that the Court grant in part Defendant's Motion and award Defendant taxable costs in the amount of \$1,180.75. The parties have not filed objections to the Report, and the time to do so has passed.¹ 1 When no party has timely objected, "the court need only satisfy itself that there is no clear error on the face o f the record in order to accept the recommendation." Fed.

R. Civ. P. 72 advisory committee's notes (citation omitted). Although Rule 72 itself is silent on the standard of review, the Supreme Court has acknowledged Congress's intent was to only require a de novo review where objections have been properly filed, not when neither party objects. See *Thomas v. Arn*, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate [judge]'s factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.").

THE COURT has reviewed the Report, the Motion,' and the relevant record and agrees with the reasoning and recommendations set forth therein. Finding no clear error, this Court AFFIRMS and ADOPTS Judge Strauss's Report [ECF No. 45].

Accordingly, it is hereby ORDERED AND ADJUDGED as follows: 1. Defendant's Motion for Costs [ECF No. 42] is GRANTED IN PART AND DENIED IN PART. 2. Defendant is awarded \$1,180.75 in taxable costs pursuant to 28 U.S.C. § 1920, plus interest in accordance with 28 U.S.C. § 1961. DONE AND ORDERED in Chambers in the Southern District of Florida, this 24th day of March, 2026.

UNITED STATES DISTRICT JUDGE cc: Counsel of record? As noted in the Magistrate Judge's Report, Plaintiff did not file a response to the Motion.