

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Ayatollah Hylton v. Chivone Janee Hylton, et al.

Hylton · No. 25-CV-62206-WPD · Decided January 21, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted and approved a magistrate judge’s report and recommendation concerning multiple pending motions. The court granted Freedom Mortgage Corporation’s motion to dismiss, dismissed the amended complaint without prejudice with leave to amend, set aside certain entries of default, and denied or denied as moot the remaining motions. The case remained referred to the magistrate judge.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	William P. Dimitrouleas
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	January 21, 2026
DOCKET	25-CV-62206-WPD
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed and adopted a magistrate judge's report and recommendation addressing multiple pending motions. No timely objections were filed, and the court dismissed the amended complaint without prejudice and with leave to amend while ruling on the parties' motions concerning dismissal, default, sanctions, and striking pleadings.
STANDARD OF REVIEW	De novo review of the report and recommendation and the record; factual findings in the report were adopted because no timely objections were filed.
PRECEDENTIAL VALUE	Unknown; district court order adopting a report and recommendation

TOPICS

- motions to dismiss
- default judgment
- default
- sanctions
- pleadings

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's report and recommendation should be adopted and approved after no timely objections were filed.
2. Whether Freedom Mortgage Corporation's motion to dismiss should be granted and the amended complaint dismissed without prejudice with leave to amend.
3. Whether the clerk's entries of default against Freedom Mortgage Corporation and Michael H. Johnson should be set aside.
4. Whether the plaintiff's motions for default final judgment and motion to strike should be granted.
5. Whether Freedom Mortgage Corporation's request for sanctions should be granted.

HOLDINGS

1. The court adopted and approved the magistrate judge's report and recommendation after conducting de novo review and finding no timely objections.
2. Freedom Mortgage Corporation's motion to dismiss was granted, and the amended complaint was dismissed without prejudice with leave to amend.
3. The remaining motions to dismiss were denied as moot.
4. The clerk's entries of default against Freedom Mortgage Corporation and Michael H. Johnson were set aside.
5. The plaintiff's motions for default final judgment and motion to strike were denied.
6. Freedom Mortgage Corporation's motion to set aside the clerk's entry of default and for sanctions was granted in part and denied in part.

KEY QUOTATIONS

"As no timely objections were filed, the Magistrate Judge's factual findings in the Report [DE 96] are hereby adopted and deemed incorporated into this opinion."

"The Amended Complaint [DE 21-1] is DISMISSED WITHOUT PREJUDICE WITH LEAVE TO AMEND."

FACTUAL BACKGROUND

The plaintiff filed an amended complaint against multiple defendants, including Freedom Mortgage Corporation, Budget Notary Services, Inc., and Michael H. Johnson. The defendants and plaintiff filed multiple motions, including motions to dismiss, motions for default final judgment, motions to strike, a motion to set aside the clerk's entry of default, and a sanctions motion. Before the district court ruled, the plaintiff filed a second amended complaint.

PROCEDURAL HISTORY

Magistrate Judge Augustin-Birch issued a report and recommendation on January 5, 2026. The district court found that no timely objections had been filed, conducted a de novo review of the report and record, adopted and approved the report, granted Freedom Mortgage Corporation's motion to dismiss, dismissed the amended complaint without prejudice with leave to amend, and resolved the remaining motions as specified in the order. Plaintiff had filed a second amended complaint before the objection period expired.

DISPOSITION

other

CASES CITED

- LoConte v. Dugger, 847 F.2d 745, 749-50 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988)
- RTC v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir. 1993)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO.: 25-CV-62206-WPD AYATOLLAH HYLTON, Plaintiff, v. CHIVONE JANE HYLTON, et al., Defendants. _____/ OMNIBUS ORDER ADOPTING AND APPROVING REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE THIS CAUSE is before the Court upon the Omnibus Report and Recommendation on Pending Motions (the “Report”) [DE 96], issued by Magistrate Judge Augustin-Birch on January 5, 2026.

[DE 96]. The Court notes that no objections to the Report [DE 96] have been filed, and the time for filing such objections has passed. As no timely objections were filed, the Magistrate Judge’s factual findings in the Report [DE 96] are hereby adopted and deemed incorporated into this opinion. LoConte v. Dugger, 847 F.2d 745, 749-50 (11th Cir. 1988), cert. denied, 488 U.S. 958 (1988); RTC v. Hallmark Builders, Inc., 996 F.2d 1144, 1149 (11th Cir.

1993). Although no timely objections were filed, the Court has conducted a de novo review of the Report [DE 96] and record and is otherwise fully advised in the premises. The Court agrees with the Magistrate Judge’s analysis and conclusions.

Accordingly, it is ORDERED AND ADJUDGED as follows: 1. The Report [DE 96] is hereby ADOPTED and APPROVED; 2. Defendant Freedom Mortgage Corporation’s Motion to Dismiss [DE 60] is GRANTED and the remaining Motions to Dismiss [DE 80; DE 82; DE 83; DE 90; DE 94] are DENIED AS MOOT. 3.

The Amended Complaint [DE 21-1] is DISMISSED WITHOUT PREJUDICE WITH LEAVE TO AMEND.¹ 4. Plaintiff’s Motion for Default Final Judgment against Defendant Freedom Mortgage Corporation [DE 62] is DENIED. 5. Defendant Freedom Mortgage Corporation’s Motion to Set

Aside Clerk's Entry of Default and for Sanctions Against Plaintiff [DE 59] is GRANTED IN PART AND DENIED IN PART.

The Clerk's entry of default against Defendant Freedom Mortgage Corporation [DE 55] is SET ASIDE. 6. Plaintiff's Motion to Strike [DE 66] is DENIED. 7. Plaintiff's Motion for Default Final Judgment against Defendant Budget Notary Services, Inc. [DE 76] is DENIED. 8.

The Clerk's entry of default against Defendant Michael H. Johnson [DE 88] is SET ASIDE. 9. Plaintiff's Motion to Strike Defendant Michael H. Johnson's Motion to Dismiss [DE 91] is DENIED. 10. This case remains REFERRED to Magistrate Judge Augustin-Birch. 1 The Court notes that Plaintiff has already filed a Second Amended Complaint [DE 98] on January 9, 2026, prior to the expiration of the objection period to Judge Augustin-Birch's Report and Recommendation [DE 96].

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 21st day of January, 2026. "4 if { FO etre zd VILLIAM P. DIMITROULEAS United States District Judge
Copies furnished to: Counsel of record and pro se parties Magistrate Judge Augustin-Birch