

**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

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