

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
NEW YORK

**RMG Financial Management LLC v. Jesse Grantham, All American
Refinery, and Island L.P. Gas Services Inc. d/b/a Propane Man**

RMG Financial Management · No. 24-CV-1180 (JLS) (LGF) · Decided May 26, 2026

OPINION

Grantham

PER CURIAM.

SSNS DISTRICF >

UNITED STATES DISTRICT COURT Ss FILED As

WESTERN DISTRICT OF NEW YORK S =

MAY 2 6 2026

ANDpr, VES he

RMG FINANCIAL MANAGEMENT eeU MOELLER CE KS

LLC, RN DISTRICS

Plaintiff,

24-CV-1180 (JLS) (LGF)

v.

JESSE GRANTHAM, ALL AMERICAN

REFINERY, and ISLAND L.P. GAS

SERVICES INC., doing Business as Propane Man, Defendants.

DECISION AND ORDER

Plaintiff RMG Financial Management LLC commenced this action on December 3, 2024, alleging fraud and breach of contract against Defendants. See Dkt. 1. The case has been referred to United States Magistrate Judge Leslie G. Foschio for all proceedings under 28 U.S.C. §§ 636(b)(1)(A), (B), and (C). Dkt. 14. On April 11, 2025, Plaintiff moved for default judgment and attached a declaration, a proposed judgment by default, and a certificate of service establishing copies of Plaintiffs motion and the declaration were served by mail on each defendant. Dkt. 13, 13-1, 13-2, 13-3. On June 2, 2025, Judge Foschio issued a text order allowing Defendants to respond to Plaintiffs motion for default judgment by June 17, 2026. Dkt. 16. Copies of Judge Foschio's text order were mailed to each defendant and no defendant appeared or responded by the June 17, 2026 deadline. See Dkt. 17. On December 2, 2025, Judge Foschio issued a Report and Recommendation ("R&R"), recommending that this Court deny Plaintiffs [13] motion for default judgment and dismiss the Complaint. See Dkt. 18. Plaintiff objected to the R&R. Dkt. 19. Plaintiff argues that the R&R erroneously applied the Federal Rules of Civil Procedure and New York law

when it recommended that this Court deny Plaintiffs motion for default judgment and dismiss the Complaint. See *id.* at 1. Defendant Island L.P. Gas opposed Plaintiffs objections, Dkt. 25, and Plaintiff replied. Dkt. 27. A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's recommendation to which a party objects. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985). This Court carefully reviewed the R&R and the relevant record. Based on its de novo review, the Court accepts and adopts Judge Foschio's recommendation to deny Plaintiffs motion for default judgment and dismiss the Complaint. For the reasons above and in the R&R, Plaintiffs [13] motion for default judgment is DENIED and the Complaint is DISMISSED with leave to amend within 30 days. The Clerk of Court shall close the case. SO ORDERED. Dated: May 26, 2026 sal Buffalo, New York i Zo as
/ SOHN L. SINATRA,
fe UNITED STATES DISTRICT JUDGE