

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Dawson Hanchey v. Blew Bayou Services, LLC

Hanchey · No. 25-14334-CIV-MARTINEZ · Decided May 4, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted a magistrate judge’s Report and Recommendation concerning the plaintiff’s renewed motion for default final judgment. The court denied the motion without prejudice, vacated the clerk’s default, dismissed the complaint without prejudice, permitted a proper motion for leave to amend by May 11, 2026, and directed the Clerk to close the case pending amendment.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Jose E. Martinez
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	May 4, 2026
DOCKET	25-14334-CIV-MARTINEZ
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation addressing Plaintiff's renewed motion for entry of default final judgment. The court adopted the recommendation, denied the motion without prejudice, vacated the Clerk's default, dismissed the complaint without prejudice, and permitted Plaintiff to seek leave to amend.
STANDARD OF REVIEW	Absent timely objections to a magistrate judge's report and recommendation, the parties are not entitled to de novo review of issues addressed in the report and are barred from attacking on appeal unobjected-to factual and legal conclusions.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.
PARTIES	Dawson Hanchey v. Blew Bayou Services, LLC

TOPICS

default judgment

default

motion to amend

pleadings

civil procedure

PRACTICE AREAS

civil procedure

default judgment

pleadings

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's report and recommendation in the absence of timely objections.
2. Whether Plaintiff's request for leave to amend made in a notice of non-objection was procedurally sufficient.
3. Whether the renewed motion for default final judgment should be denied, the Clerk's default vacated, and the complaint dismissed without prejudice.

HOLDINGS

1. A party that fails to timely object to a report and recommendation is not entitled to de novo review by the district judge of issues addressed in the report and is barred from attacking on appeal unobjected-to factual and legal conclusions.
2. A request for leave to amend must be made by motion and must attach the proposed amended complaint or set forth the substance of the proposed amendment.
3. The renewed motion for default final judgment was denied without prejudice, the Clerk's default was vacated, and the complaint was dismissed without prejudice, subject to Plaintiff's opportunity to file a proper motion for leave to amend.

KEY QUOTATIONS

“Thus, to properly raise its request for leave to amend, Plaintiff must raise the issue by motion and must attach or set forth the substance of the proposed amendment.”

FACTUAL BACKGROUND

Dawson Hanchey sued Blew Bayou Services, LLC and obtained a Clerk's default. Hanchey sought entry of a default final judgment, but the magistrate judge recommended denying that request, vacating the default, and dismissing the complaint without prejudice. Hanchey did not timely object to the recommendation and instead requested leave to file an amended complaint.

PROCEDURAL HISTORY

Plaintiff filed a complaint and obtained a Clerk's default against Defendant. Plaintiff then filed a renewed motion for entry of default final judgment. Magistrate Judge Shaniek M. Maynard recommended denial of the motion without prejudice, vacatur of the default, and dismissal of the complaint without prejudice. Plaintiff filed a notice of non-objection and requested leave to amend; the district court adopted the R&R and directed Plaintiff to file a proper motion for leave to amend by May 11, 2026.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand was ordered. Plaintiff may file a proper motion for leave to file an amended complaint by May 11, 2026. The Clerk was directed to close the case pending the filing of an amended complaint curing the deficiencies identified in the R&R.

CASES CITED

- Thomas v. Arn, 474 U.S. 140, 149 (1985)
- Henley v. Johnson, 885 F.2d 790, 794 (11th Cir. 1989)
- Cita Tr. Co. AG v. Fifth Third Bank, 879 F.3d 1151, 1157 (11th Cir. 2018)
- Long v. Satz, 181 F.3d 1275, 1279 (11th Cir. 1999)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 25-14334-CIV-MARTINEZ DAWSON HANCHEY, Plaintiff, v. BLEW BAYOU SERVICES, LLC, Defendant. / ORDER ADOPTING REPORT AND RECOMMENDATION THIS CAUSE is before the Court on the Report and Recommendation [ECF No. 21] (“R&R”) of the Honorable Shaniek M. Maynard, United States Magistrate Judge, on Plaintiff's Renewed Motion for Entry of Default Final Judgment Against Blew Bayou Services, LLC [ECF No. 15].

Judge Maynard recommends that Plaintiff's Renewed Motion should be denied without prejudice, that the Clerk's Default should be vacated, and that Plaintiff's Complaint should be dismissed without prejudice. (See generally R&R).

On April 17, 2026, Plaintiff filed a Notice of Non-Objection to Report and Recommendation [ECF No. 22]. The Court has reviewed the entire file and record, and to date, no objections have been filed to the R&R. The deadline to file objections has now expired.

The failure to timely file objections bars the parties from a de novo determination by the District Judge of an issue covered in the R&R and bars the parties from attacking on appeal unobjected-to factual and legal conclusions contained in the R&R. See 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140, 149 (1985); Henley v. Johnson, 885 F.2d 790, 794 (11th Cir.

1989); 11th Cir. R. 3-1 (2016). Moreover, in Plaintiff's Notice of Non-Objection to Report and Recommendation, Plaintiff requests leave to file an amended complaint. (See [ECF No. 22] 1). Federal Rule of Civil Procedure CASE NO. 25-14334-CIV-MARTINEZ/Maynard 15(a)(2) provides that courts “should freely give leave [to amend] when justice so requires.” A proper

request for leave to amend is made by motion and, importantly, “set[s] forth the substance of the proposed amendment or attach[es] a copy of the proposed amendment.” Cita Tr.

Co. AG v. Fifth Third Bank, 879 F.3d 1151, 1157 (11th Cir. 2018) (alterations added) (quoting Long v. Satz, 181 F.3d 1275, 1279 (11th Cir. 1999)); see also Fed. R. Civ. P. 7(b)(1) (“An application to the court for an order shall be by motion[,] which... shall be made in writing, shall state with particularity the grounds therefor, and shall set forth the relief or order sought.” (alterations added)); S.D.

Fla. R. 15.1 (“Any amendment to a pleading, whether filed as a matter of course or upon a successful motion to amend, must, except by leave of Court, reproduce the entire pleading as amended....” (alteration added)).

Thus, to properly raise its request for leave to amend, Plaintiff must raise the issue by motion and must attach or set forth the substance of the proposed amendment. Accordingly, it is ORDERED that: 1. Judge Maynard’s R&R [ECF No. 21] is AFFIRMED and ADOPTED. 2. Plaintiff’s Renewed Motion [ECF No. 15] is DENIED without prejudice. 3.

The Clerk’s Default [ECF No. 6] is VACATED. 4. Plaintiff’s Complaint [ECF No. 1] is DISMISSED without prejudice. 5. Plaintiff may file a proper motion for leave to file an amended complaint on or before May 11, 2026. 6.

The Clerk is DIRECTED to CLOSE this case pending the filing of an amended complaint that cures the deficiencies identified in Judge Maynard’s R&R. This shall not affect the parties’ substantive rights. DONE AND ORDERED in Miami, Florida, this 4 day of May 2026. Ly (Mf JOSE E.MARTINEZ UNITED STATES DISTRICT JUDGE ce: Magistrate Judge Maynard; counsel of record