

**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

OPINION

Hanchey

PER CURIAM.

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