

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,
Plaintiff,

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

17-CV-605 (KAM)(RML)

-against-

JOHN A. CHAMPION,
Defendant.

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MATSUMOTO, United States District Judge:

Before the court is a Report and Recommendation ("R&R") from Magistrate Judge Robert M. Levy recommending that the motion for default judgment by plaintiff United States of America ("plaintiff") be granted and that plaintiff be awarded \$7,754.35. (ECF No. 13, Report and Recommendation ("R&R").) The R&R instructed that any objections to the R&R be submitted within fourteen (14) days of receipt of the R&R. (*Id.* at 8.) Defendant John A. Champion ("defendant") was served the R&R on December 22, 2017, and, accordingly, the date for filing any objections has since expired. Neither party has filed any objections to the R&R. For the reasons set forth below, the court adopts the thorough and well-reasoned R&R in its entirety as the opinion of the court.

On February 2, 2017, plaintiff commenced this student loan debt enforcement action against defendant. (ECF No. 1, Complaint ("Compl.")). Defendant was served with process but failed to answer or otherwise move with respect to the

complaint, and, on July 19, 2017, the Clerk of Court entered a notice of default pursuant to Federal Rule of Civil Procedure 55(a). (ECF No. 8, Notation of Default.) On July 27, 2017, plaintiff moved for default judgment. (ECF No. 9, Motion for Default Judgment.) In support of its claim, plaintiff has submitted "Certificates of Indebtedness" issued by the Department of Education and a copy of the promissory note that forms the basis for the present claim. (ECF No. 1, Compl., Ex. A; ECF No. 10-1, Letter re Submission for Damages, Promissory Note; ECF No. 12-1, Letter in Response to Court Order 11/29/2017, Updated Certificate of Indebtedness.)

A district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge" in an R&R. 28 U.S.C. § 636(b)(1)(C). Where no objections are made, the court may adopt the R&R without *de novo* review, *Thomas v. Arn*, 747 U.S. 140, 150 (1985), and need only review for clear error on the face of the record. See Fed. R. Civ. P. 72(b); *Baptichon v. Nev. State Bank*, 304 F. Supp. 2d 451, 453 (E.D.N.Y. 2004), *aff'd*, 125 F. App'x 374 (2d Cir. 2005).

The court has reviewed the unopposed R&R for clear error and, finding no error, adopts the R&R in its entirety pursuant to 28 U.S.C. § 636(b)(1)(C). Accordingly, plaintiff's motion for entry of default judgment is granted.

Plaintiff is entitled to \$7,754.35, consisting of:

- \$6,755.22 in unpaid principal;
- \$902.14 in interest through December 14, 2017;
- and
- \$76.99 in costs.

Additionally, plaintiff is entitled to per diem interest at the rate of \$0.60 from December 15, 2017 through the date of entry of judgment, as well as post-judgment interest pursuant to 28 U.S.C. § 1961 until the date of payment.

The Clerk of Court is directed to enter the defendant's default pursuant to Fed. R. Civ. P. 55(a) and Local Civil Rule 55.1 and close this case. Plaintiff shall serve a copy of this Order and the Judgment on defendant and note service on the docket.

SO ORDERED.

/s/_____
Hon. Kiyo A. Matsumoto
United States District Judge
Eastern District of New York

Dated: February 20, 2018
Brooklyn, New York