

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO. 19-21546-cv-DPG

**IVAN JIMENEZ, JUAN MACHADO,
JOSE MUNOZ, GUILLERMO SENCION
and MIGUEL VASQUEZ,**

Plaintiffs,

v.

**UNITED STATES DEPARTMENT OF
HOMELAND SECURITY and UNITED
STATES DEPARTMENT OF STATE,**

Defendants.

_____ /

ORDER

THIS CAUSE comes before the Court on Magistrate Judge Alicia M. Otazo-Reyes' Report and Recommendation (the "Report"), [ECF No. 86], regarding: (1) Defendants', United States Department of Homeland Security and United States Department of State, Motion for Summary Judgment (hereafter, "Motion"), [ECF No. 29]; and (2) Plaintiffs', Ivan Jimenez, Juan Machado, Jose Muñoz, Guillermo Sencion, and Miguel Vasquez, (together, "Plaintiffs"), Cross-Motion for Summary Judgment (hereafter, "Cross-Motion"), [ECF No. 62]. On December 6, 2021, the action was referred to Judge Otazo-Reyes, pursuant to 28 U.S.C. § 636(b)(1)(B), for a ruling on the parties' respective motions. [ECF No. 83]. Following briefings and a hearing on February 9, 2022, Judge Otazo-Reyes issued her report on February 24, 2022, recommending that Defendants' Motion be granted, Plaintiffs' Cross-Motion be denied, and Final Judgment be entered

in favor of Defendants (the “Report”). [ECF No. 86]. Plaintiffs have timely objected to the Report. [ECF No. 99].

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C.*, 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); *accord Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

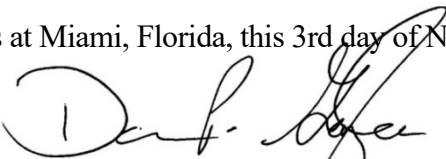
Having conducted a *de novo* review of the motions and the record, the Court agrees with Judge Otazo-Reyes’ well-reasoned analysis and conclusion that Defendants’ Motion should be granted and Plaintiffs’ Cross-Motion should be denied.

CONCLUSION

Accordingly, after careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Judge Otazo-Reyes’ Report and Recommendation, [ECF No. 86], is **AFFIRMED AND ADOPTED** and incorporated into this Order by reference.
- (2) Defendants’ Motion for Summary Judgment, [ECF No. 29], is **GRANTED**.
- (3) Plaintiffs’ Cross-Motion for Summary Judgment, [ECF No. 62], is **DENIED**.
- (4) Final Judgment is entered in favor of Defendants as to Counts I–X.

DONE AND ORDERED in Chambers at Miami, Florida, this 3rd day of November, 2022.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE