

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

Case No. 1:21-cv-21992-KMM

AMERICAN FEDERATION OF  
GOVERNMENT EMPLOYEES  
LOCAL 527,

Plaintiff,

v.

UNITED STATES IMMIGRATION  
AND CUSTOMS ENFORCEMENT,

Defendant.

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**ORDER ON REPORT AND RECOMMENDATION**

THIS CAUSE came before the Court upon Defendant United States Immigration and Customs Enforcement's ("Defendant") Renewed Motion for Summary Judgment, (ECF No. 45), and Plaintiff American Federation of Government Employees Local 527's ("Plaintiff") Renewed Cross-Motion for Summary Judgment, (ECF No. 51). The matter was referred to the Honorable Lauren F. Louis, United States Magistrate Judge, pursuant to 28 U.S.C. § 636 and the Magistrate Judge Rules of the Local Rules of the Southern District of Florida, to take all necessary and proper action as required by law regarding all pre-trial, non-dispositive matters and for a Report and Recommendation on any dispositive matters. (ECF No. 4). On February 14, 2024, Magistrate Judge Louis issued a Report and Recommendation, ("R&R") (ECF No. 56), recommending that Defendant's Renewed Motion for Summary Judgment (ECF No. 45) be GRANTED and Plaintiff's Renewed Cross-Motion for Summary Judgment (ECF No. 51) be DENIED. Magistrate Judge Louis further recommends that Plaintiff's original Cross-Motion for Summary Judgment (ECF No.

27) be DENIED AS MOOT. No objections to the R&R were filed, and the time to do so has passed. The matter is now ripe for review.<sup>1</sup> As set forth below, the Court ADOPTS the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court “must consider *de novo* any objection to the magistrate judge’s recommendation.” Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files “a proper, specific objection” to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006).

Yet when a party has failed to object to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Keaton v. United States*, No. 14-CV-21230, 2015 WL 12780912, at \*1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at \*2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review) (internal quotation marks omitted).

As set forth in the R&R, Magistrate Judge Louis recommends that Defendant’s Renewed Motion for Summary Judgment (ECF No. 45) be granted and Plaintiff’s Renewed Cross-Motion for Summary Judgment (ECF No. 51) be denied because: (1) Plaintiff has failed to establish that Defendant has engaged in a pattern and practice of unreasonable delay, R&R at 5–8; (2) the evidence advanced by Defendant to support its sequential productions and withholding therefrom does not contain contradictions that defeat the Court’s ability to find in Defendant’s favor, *id.* at 8–9; (3) Defendant’s Declaration and *Vaughn* Index are not impermissibly vague, *id.* at 16; and

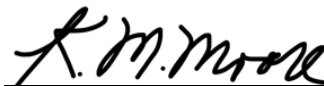
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<sup>1</sup> The Court assumes the Parties’ familiarity with the facts and procedural history, which are set forth in the R&R. *See* R&R at 1–3.

(4) Defendant has adequately supported its bases for withholding portions of the Office of Professional Responsibility Investigative Guidebook under 5 U.S.C. § 552(b)(7)(E), exemption 7(E), *id.* at 10–25. After careful review of Magistrate Judge Louis’s thorough and persuasive R&R, this Court agrees.

Accordingly, UPON CONSIDERATION of the Motions, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the R&R (ECF No. 56) is ADOPTED. Defendant’s Renewed Motion for Summary Judgment (ECF No. 45) is GRANTED and Plaintiff’s Renewed Cross-Motion for Summary Judgment (ECF No. 51) is DENIED. It is further ORDERED that Plaintiff’s original Cross-Motion for Summary Judgment (ECF No. 27) is DENIED AS MOOT.

DONE AND ORDERED in Chambers at Miami, Florida, this 18th day of March, 2024.



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K. MICHAEL MOORE  
UNITED STATES DISTRICT JUDGE

c: All counsel of record