

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WILLIAM WILSON,

Plaintiff,

vs.

Case No. 2:07-cv-437-FtM-29DNF

J.D. TREE SERVICE, INC.,

Defendant.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #34), filed January 5, 2009, recommending that the Joint Motion for Approval of Settlement Agreement (Doc. #30) be granted, the settlement be approved as fair and reasonable, and the case be dismissed with prejudice. No objections have been filed and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de*

*novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge and finds the settlement is fair and reasonable.

Accordingly, it is now


**ORDERED:**

1. The Report and Recommendation (Doc. #34) is hereby **adopted** and the findings specifically incorporated herein.

2. The Joint Motion for Approval of Settlement Agreement as Stipulated Final Judgment (Doc. #30) is **GRANTED** and the Mediation Settlement Agreement (Doc. #30-2) and Joint Notice/Addendum to Settlement Agreement (Doc. #33) are approved as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice, except as otherwise agreed by settlement, terminate all pending matters, and close the file.

**DONE AND ORDERED** at Fort Myers, Florida, this 21st day of January, 2009.

  
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**JOHN E. STEELE**  
United States District Judge

Copies:  
Hon. Douglas N. Frazier  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties