

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

In the Matter of the COMPLAINT OF  
GORE MARINE CORPORATION, as owner of  
the Tug Captain Jerome for  
exoneration from or limitation of  
liability,

Petitioner.

Case No. 2:08-cv-644-FtM-29DNF

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #46), filed July 15, 2009, recommending that the petitioner's Motion and Memorandum for Contempt and to Enjoin Proceedings (Doc. #43) be denied and Ms. Skaggs not be enjoined from pursuing her state claims. 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 that Donna Skaggs is not enjoined from pursuing state action against the other defendants. With the exception of the typographical error referencing the August 28, 2008 Order (Doc. #11) as 2009, the Court adopts the Report and Recommendation.


Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation (Doc. #46) is hereby **adopted** and the findings incorporated herein, with the exception of the typographical error.

2. The petitioner's Motion and Memorandum for Contempt and to Enjoin Proceedings (Doc. #43) is **DENIED**.

**DONE AND ORDERED** at Fort Myers, Florida, this 30th day of July, 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