

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROY WILLIAMS, on behalf of himself
and those similarly situated,

Plaintiff,

vs.

Case No. 2:09-cv-184-FtM-29DNF

WHERRY TRUCK LINES, INC., a Florida
corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #46), filed January 20, 2010, recommending that the parties' Joint Motion to Approve Settlement Agreement and for Dismissal With Prejudice (Doc. #45) be granted and the case dismissed. 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 approves the settlement agreement as fair and reasonable.

Accordingly, it is now


ORDERED:

1. The Report and Recommendation (Doc. #46) is hereby **adopted** and the findings incorporated herein.

2. The parties' Joint Motion to Approve Settlement Agreement and for Dismissal With Prejudice (Doc. #45) is **GRANTED** and the Confidential Settlement Agreement, Waiver and Release of Claims (Doc. #45-1) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, except as otherwise provided by the settlement agreement. The Clerk is further directed to terminate all pending matters as moot and to close the file.

DONE AND ORDERED at Fort Myers, Florida, this 8th day of February, 2010.



JOHN E. STEELE
United States District Judge

Copies:

Hon. Douglas N. Frazier
United States Magistrate Judge

Counsel of Record
Unrepresented parties