

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAVIER CALIX on his own behalf and
others similarly situated,

Plaintiff,

vs.

Case No. 2:09-cv-412-FtM-29SPC

CARING TOUCH TOWING, LLC a Florid
limited liability company,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #25), filed November 10, 2009, recommending that the Joint Motion for Approval of Settlement Agreement as Stipulated Final Judgment (Doc. #24) be granted, the settlement be approved, 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 finds that the settlement is fair and reasonable.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation is hereby **adopted** and the findings specifically incorporated herein.
2. The Joint Motion for Approval of Settlement Agreement as Stipulated Final Judgment (Doc. #24) is **GRANTED** and the Settlement Agreement, Waiver, and Release (Doc. #24-2) is **approved** as fair and reasonable.
3. The Clerk shall enter judgment dismissing the case with prejudice, terminate all deadlines and motions, and close the case.

DONE AND ORDERED at Fort Myers, Florida, this 4th day of December, 2009.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
Parties of Record