

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MELISSA AMMIRATI,

Plaintiff,

vs.

Case No. 2:09-cv-496-FtM-29SPC

LUTHERAN SERVICES FLORIDA, INC. a  
Florida Non-Profit Corporation,

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. #23), filed December 31, 2009, recommending that the Joint Motion for Approval of Settlement and Dismissal With Prejudice (Doc. #22) be granted, the settlement agreement be approved, and the case 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 to be fair and reasonable. As the settlement agreement was submitted directly to Chambers for review and was not filed *in camera*, the Court will direct the return of the documents to counsel.

Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation (Doc. #23) is hereby **adopted** and the findings incorporated herein.


2. The Joint Motion for Approval of Settlement and Dismissal With Prejudice (Doc. #22) is **GRANTED** and the Settlement Agreement and Release of Claims is **approved** as fair and reasonable.

3. The Clerk is directed to return the Settlement Agreement and Release of Claims to counsel for defendant without filing the document.

4. The Clerk shall enter judgment dismissing the case with prejudice, except as otherwise provided by settlement. The Clerk

is further directed to terminate all pending matters and to close the file.

**DONE AND ORDERED** at Fort Myers, Florida, this 13th day of January, 2010.

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

Copies:  
Hon. Sheri Polster Chappell  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties