

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANDRES PENA,

Plaintiff,

vs.

Case No. 2:10-cv-60-FtM-29DNF

COASTAL QSR, LLC, a foreign limited
liability company doing business as
Taco Bell,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #24), filed June 28, 2010, recommending that the Joint Motion to Approve Settlement (Doc. #23) 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 that the settlement is fair and reasonable.

Accordingly, it is now


ORDERED:

1. The Report and Recommendation (Doc. #24) is hereby **adopted** and the findings incorporated herein.

2. The Joint Motion to Approve Settlement (Doc. #23) is **GRANTED** and the Settlement Agreement and General Release (Doc. #23-1) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all pending deadlines as moot, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 14th day of July, 2010.



JOHN E. STEELE
United States District Judge

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

Counsel of Record
Unrepresented parties