

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KARTER RIEVES, and ACCESS NOW,
INC., a Florida not-for-profit
corporation,

Plaintiffs,

vs.

Case No. 2:04-cv-37-FtM-33DNF

STEER-MILL, INC., a Florida
Corporation d/b/a Top O'Mast,

Defendant.

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ORDER

This matter comes before the Court upon consideration of the Magistrate Judge's Report and Recommendation (Doc. #31), filed September 8, 2005, in regards to Defendant's Motion for Relief from Judgment, to Quash Service, and to Dismiss (Doc. # 27). The Magistrate has recommended that the Motion for Relief from Judgment be granted, the Motion to Quash Service be granted, and the Motion to Dismiss be denied. 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.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

1. The Report and Recommendation is hereby **accepted**. The Motion for Relief from Judgment and the Motion to Quash Service are granted, and the Motion to Dismiss is denied. Service is quashed, the default and default judgment are set aside, Plaintiff is given thirty (30) days to serve Defendant, and this case is reopened.

DONE and ORDERED in Chambers in Fort Myers, Florida, this 22nd day of September, 2005.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All counsel of record;
United States Magistrate Judge