

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BRADFORD T. KING,

Plaintiff,

vs.

Case No. 2:08-cv-307-FtM-29SPC

WELLS FARGO HOME MORTGAGE a division
of Wells Fargo Bank, N.A.,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #26), filed July 15, 2009, recommending that the parties' Joint Motion to Approve Settlement Agreement and General Release (Doc. #22) be granted, the settlement 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 approves the settlement as fair and reasonable. Although the Joint Stipulation for Final Order of Dismissal *With Prejudice* (Doc. #23) requests the retention of jurisdiction over the enforcement of the settlement, the Settlement Agreement and General Release does not require it and the Court is not inclined to retain jurisdiction over its enforcement without an articulation of independent jurisdiction.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #26) is hereby **adopted** and the findings incorporated herein.


2. The parties' Joint Motion to Approve Settlement Agreement and General Release (Doc. #22) is **GRANTED** and the Settlement Agreement and General Release, filed under seal, is approved as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice except as otherwise provided by settlement and without

the Court retaining jurisdiction over enforcement of the settlement.

4. The Clerk is further directed to terminate all deadlines and motions, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 30th day of July, 2009.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties