

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

GARY GRAHAM,

Plaintiff,

vs.

Case No. 2:08-cv-343-FtM-29DNF

SOUTHWEST FLORIDA YACHTS, INC.,

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. #33), filed September 21, 2009, recommending that the parties' Joint Motion to Approve FLSA Settlement (Doc. #31) 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 approves the settlement as fair and reasonable.

Accordingly, it is now

**ORDERED:**


1. The Report and Recommendation (Doc. #33) is hereby **adopted** and the findings incorporated herein.

2. The parties' Joint Motion to Approve FLSA Settlement (Doc. #31) is **GRANTED**. The Confidential Settlement Agreement Waiver, and Mutual General Release (Doc. #31, p. 3) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice with each party to bear its own attorney's fees and costs, except as otherwise agreed by the settlement agreement and pursuant to the Joint Stipulation of Dismissal With Prejudice (Doc.

#32). The Clerk is further directed to terminate all deadlines and motions as moot and to close the case.

**DONE AND ORDERED** at Fort Myers, Florida, this 5th day of October, 2009.

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

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

Counsel of Record  
Unrepresented parties