

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KENNETH LEHMAN, SHELIA JOHNSON,

Plaintiffs,

vs.

Case No. 2:08-cv-357-FtM-29DNF

DON HUNTER, Collier County Sheriff,
in his individual and official
capacity, JOSEPH ELLIS, Collier
County Deputy, individually, BRIAN
SAWYER, Collier County Deputy,
individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #57), filed April 7, 2009, recommending that defendants' Motion to Tax Costs (Doc. #56) be granted in part, \$1,521.18 be taxed against plaintiffs, and that defendants be required to file a Bill of Costs for the amount approved. 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

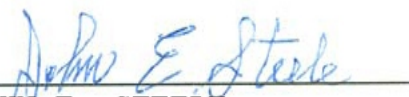
ORDERED:

1. The Report and Recommendation (Doc. #57) is hereby **adopted** and the findings incorporated herein.

2. Defendants Kevin Rambosk, as Sheriff of Collier County, Joseph Ellis, and Brian Sawyer's Verified Motion to Tax Costs (Doc. #56) is **GRANTED IN PART** and costs are taxed in the amount of \$1,521.18.

3. Defendants shall file a new Bill of Costs with the approved amount within **TEN (10) DAYS** of this Order.

DONE AND ORDERED at Fort Myers, Florida, this 29th day of May, 2009.



JOHN E. STEELE
United States District Judge

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

Counsel of Record
Unrepresented parties