

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

SAMUEL P. RUSH, KARA M. RUSH,

Plaintiffs,

vs.

Case No. 2:09-cv-429-FtM-29DNF

WALGREEN CO., FEDERAL EXPRESS
CORPORATION,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #39), filed October 25, 2010, recommending that plaintiff Kara M. Rush be dismissed for failure to prosecute. 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. Ms. Rush was provided an opportunity to express whether she would like to participate in litigation by filing a notice, and failed to do so.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #39) is hereby **adopted**.
2. Kara M. Rush is **dismissed** without prejudice. The Clerk shall **terminate** Kara M. Rush as a party-plaintiff in this case.

DONE AND ORDERED at Fort Myers, Florida, this 9th day of November, 2010.



JOHN E. STEELE
United States District Judge

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

Counsel of Record
Unrepresented parties