

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICHARD C. FOX, JR.,

Plaintiff,

vs.

Case No. 2:10-cv-289-FtM-36SPC

NELSON & ASSOCIATES, INC., doing
business as Woodside Villas,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #31), filed March 2, 2011, recommending that the parties' Joint Motion for Approval of Settlement, Joint Stipulation for Dismiss With Prejudice (Doc. #30) be granted, the settlement be approved, and the case dismissed. On March 2, 2011, the parties filed a Joint Notice of Non-Objection to This Court's Report and Recommendation (Doc. #32).

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 finds the settlement was fair and reasonable.

Accordingly, it is now


ORDERED:

1. The Report and Recommendation (Doc. #31) is hereby **adopted** and the Court finds that the settlement is fair and reasonable.

2. The parties' Joint Motion for Approval of Settlement, Joint Stipulation for Dismiss With Prejudice (Doc. #30) is **GRANTED**.

3. The Clerk shall enter judgment **dismissing** the case with prejudice pursuant to the parties' Settlement Agreement (Doc. #30-1), terminate all deadlines and motions, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 4th day of March, 2011.



JOHN E. STEELE
United States District Judge

Copies:

Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties