

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ERIC ROWE,

Plaintiff,

vs.

Case No. 2:10-cv-460-FtM-29SPC

AMERICAN PEST CONTROL MANAGEMENT,  
INC., a Florida Corporation, SUZANNE  
GRAHAM,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #15), filed December 10, 2010, recommending that the parties' Joint Motion to Approve Settlement and Release and Dismiss With Prejudice Plaintiff's Complaint (Doc. #14) be granted, the settlement be approved, and the case 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. #15) is hereby **adopted**.

2. The parties' Joint Motion to Approve Settlement and Release and Dismiss With Prejudice Plaintiff's Complaint (Doc. #14) is **GRANTED** and the Settlement Agreement and Release (Doc. #14-1) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment **dismissing** the case with prejudice, except as provided by the Settlement Agreement and Release, terminate all pending deadlines and motions, and close the file.

**DONE AND ORDERED** at Fort Myers, Florida, this 3rd day of January, 2011.

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

Copies:

Hon. Sheri Polster Chappell  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties