

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

CARLOS MILANES, on his own behalf
and all similarly situated
individuals,

Plaintiff,

vs.

Case No. 2:11-cv-214-FtM-29SPC

TOTAL TRUCK PARTS, INC., a florida
profit corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #22), filed September 21, 2011, recommending that the parties' Joint Motion for Approval of Settlement Agreement, and Upon Court Approval, for Dismissal of the Action *With Prejudice* (Doc. #21) be granted, the settlement agreement 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.

Accordingly, it is now


ORDERED:

1. The Report and Recommendation (Doc. #22) is hereby **adopted** and the findings incorporated herein.

2. The parties' Joint Motion for Approval of Settlement Agreement, and Upon Court Approval, for Dismissal of the Action *With Prejudice* (Doc. #21) is **GRANTED** and the Settlement Agreement (Doc. #21-1) is **approved** as fair and reasonable.

3. The Clerk shall enter judgment dismissing the case with prejudice, except as provided by the settlement agreement, terminate all deadlines and motions, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 12th day of October, 2011.



JOHN E. STEELE
United States District Judge

Copies:

Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties