

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

FLORIN POPOV, on his own behalf and
others similarly situated,

Plaintiff,

v.

Case No: 2:12-cv-123-FtM-38UAM

GEORGE & SONS TOWING INC., a
Florida Corporation, GEORGE MARTIN,
individually, and DEBRA MARTIN,
individually,

Defendants.

ORDER¹

This matter is before the Court on review of the Magistrate Judge's Report and Recommendation (Dkt. #[94](#)), filed on July 19, 2013, recommending that the parties' Joint Motion for Approval of Settlement and Dismissal of This Action With Prejudice (Dkt. #[93](#)) be granted. 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

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objections, there is no need for a district judge to 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 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. However, the Court takes this opportunity to address an issue not addressed in the Report and Recommendation: the parties' request that the Court retain jurisdiction over this case to enforce the settlement agreement. The Court is generally reluctant to retain jurisdiction over these matters and will not do so here.

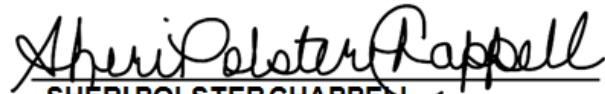
Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation (Dkt. #[94](#)) is hereby **adopted** and the findings incorporated herein.
- (2) The parties' Joint Motion for Approval of Settlement and Dismissal of This Action With Prejudice (Dkt. #[93](#)) is **GRANTED** in part and **DENIED** in part. It is **GRANTED** to the extent the parties' seek approval of their settlement and dismissal of this case but denied as to the parties' request that the Court retain jurisdiction over this case to enforce the settlement.

(3) The Clerk shall enter judgment **DISMISSING** the case with prejudice, terminate all deadlines and motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 7th day of August, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record