

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

EMILY DOWNER,

Plaintiff,

vs.

Case No. 2:12-cv-580-FtM-29DNF

HEALTH MANAGEMENT ASSOCIATES, INC.
d/b/a Lehigh Regional Medical
Center,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #16), filed July 8, 2013, recommending that the Motion for Extension of Time to Serve the Complaint (Doc. #15) be denied and the case dismissed for failure to affect service of process. 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 will dismiss the case for failure to affect timely service of process under Fed. R. Civ. P. 4(m).

Accordingly, it is now


ORDERED:

1. The Report and Recommendation (Doc. #16) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Motion for Extension of Time to Serve the Complaint (Doc. #15) is **denied**.

3. The Clerk shall enter judgment dismissing the case without prejudice pursuant to Fed. R. Civ. P. 4(m) for failure to affect timely service of process, terminate all deadlines and motions, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 26th day of July, 2013.



JOHN E. STEELE
United States District Judge

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

Counsel of Record