

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

L. JERRY JOHNSON, as personal  
representative of the Estate of  
Carol A Hawes,

vs.

Case No. 2:12-cv-618-FtM-29UAM

R.J. REYNOLDS TOBACCO CO., a foreign  
corporation, as successor by merger  
to and Williamson Tobacco Company,  
AMERICAN TOBACCO COMPANY,

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. #41), filed July 3, 2013, recommending that plaintiff's Motion to Amend (Doc. #37) be denied. 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 that the motion was untimely and not otherwise justified.


Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation (Doc. #41) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Motion to Amend (Doc. #37) is **denied**.

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

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

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

Counsel of Record