

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

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

Plaintiff,

v.

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  
and AMERICAN TOBACCO  
COMPANY,

Defendants.

---

**ORDER**

This matter comes before the Court on the Magistrate Judge's Report and Recommendation (Doc. #50) recommending that plaintiff's Motion for Relief From the Scheduling Order Entered By This Court With Regard to Amending the Complaint and Prayer for Relief (Doc. #48) 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).

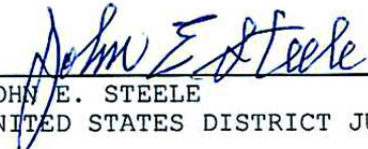
After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is hereby

**ORDERED:**

1. The Report and Recommendation (Doc. #50) is **adopted** and the findings incorporated herein.
2. Plaintiff's Motion for Relief From the Scheduling Order Entered By This Court With Regard to Amending the Complaint and Prayer for Relief (Doc. #48) is **DENIED**.

**DONE and ORDERED** at Fort Myers, Florida, this 8th day of October, 2013.

  
\_\_\_\_\_  
JOHN E. STEELE  
UNITED STATES DISTRICT JUDGE

Copies:  
Counsel of Record