

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KZS ENTERPRISE, LLC,

Plaintiff,

v.

Case No.: 2:13-cv-222-FtM-38DNF

FINE GEMS INTERNATIONAL, INC.
and ROBERT E. KANE,

ORDER

This matter comes before the Court on consideration of the Magistrate Judge's Report and Recommendation (hereafter "Report and Recommendation") (Doc. #19), filed on May 13, 2013, recommending that Plaintiff, KZS Enterprise, LLC's Motion to Remand (Doc. #16) be granted and that the case be remanded to the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida. No objection has been filed to the Report and Recommendation and the deadline to do so has passed.

In the Eleventh Circuit, a district judge may accept, reject or modify the magistrate judge's report and recommendation after conducting a careful and complete review of the findings and recommendations. 28 U.S.C. § 636(b)(1); see Williams v. Wainwright, 681 F.2d 732 (11th Cir.1982), cert. denied, 459 U.S. 1112, 103 S.Ct. 744, 74 L.Ed.2d 964 (1983). A district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This requires that the district judge "give fresh consideration to those issues to which specific objection has been made by a party." Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R.

1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo* 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); see Garvey v. Vaughn, 993 F.2d 776, 779 n. 9 (11th Cir.1993). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper–Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir.1994).

Upon consideration of the Report and Recommendation, and in conjunction with an independent examination of the file, the Court concludes that the Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. # 19) is **CONFIRMED** and **ADOPTED** as part of this Order.
2. Plaintiff, KZS Enterprise, LLC's Motion to Remand (Doc. #16) is **GRANTED**.
3. The Clerk is directed to remand the case to the Circuit Court of the Twentieth Judicial Circuit in and for Collier County, Florida.
4. The Clerk is further directed to terminate all pending motions and deadlines and to **CLOSE** the file.

DONE and **ORDERED** in Fort Myers, Florida this 5th day of June, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record