

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TOWER HILL PRIME INSURANCE
COMPANY, a Florida
corporation, as subrogee of
Marc & Monica Schneider,

Plaintiff,

v.

Case No: 2:13-cv-812-FtM-29DNF

TRULY NOLEN OF AMERICA,
INC., a foreign corporation,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Amended Report and Recommendation (Doc. #20)¹, filed April 1, 2014, recommending that the case be dismissed for failure to prosecute. 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

¹ The Report and Recommendation (Doc. #19) was amended to include notice provisions and will be terminated as moot.

(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 now

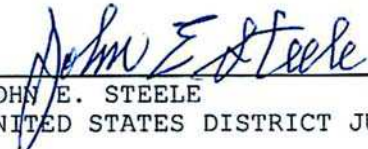
ORDERED:

1. The Report and Recommendation (Doc. 19) is **terminated as moot**.

2. The Amended Report and Recommendation (Doc. #20) is hereby **adopted** and the findings incorporated herein.

3. The Clerk shall enter judgment **dismissing** the case without prejudice, terminate all pending motions and deadlines, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 22nd day of April, 2014.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

Copies:

Hon. Douglas N. Frazier
United States Magistrate Judge

Counsel of Record
Unrepresented parties