

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

IN RE: EVERGLADES AIRBOAT
MANAGEMENT LLC and EVERGLADES
AIRBOAT RESORTS, LLC

Case No: 2:14-cv-380-FtM-29CM

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #26), filed December 29, 2014, recommending that Claimant Stephen Palmer's Motion to Lift Stay of State Court Proceedings (Doc. #24) be granted, the injunction restraining actions against petitioners be lifted, and the case administratively closed. 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 now

ORDERED:

1. The Report and Recommendation (Doc. #26) is hereby **adopted** and the findings incorporated herein.

2. Claimant's Motion to Lift Stay of State Court Proceedings (Doc. #24) is **GRANTED**.

3. The injunction and restraint on the institution and prosecution of any claims, imposed by the Order Restraining Prosecution of Claims (Doc. #9), is **lifted**.

4. The Clerk shall terminate all pending deadlines and administratively close this case pending notification by the parties as to the result of the state court proceedings.

DONE and ORDERED at Fort Myers, Florida, this 21st day of January, 2015.



JOHN E. STEELE
UNITED STATES DISTRICT JUDGE

Copies:
Hon. Carol Mirando
United States Magistrate Judge

Counsel of Record
Unrepresented parties