

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ANTHONY PENWELL,

Plaintiff,

v.

Case No: 2:14-cv-572-FtM-38CM

RTS OF CAPE CORAL, INC.,  
COLONIAL MOTEL, LLC, THOMAS  
CIRRINCIONE and BENJAMIN  
CIRRINCIONE,

Defendants.

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**ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation ([Doc. #31](#)) filed on August 27, 2015. Judge Mirando recommends granting the Parties' Amended Joint Motion to Approve Settlement Agreement and Stipulation for Dismissal with Prejudice ([Doc. #30](#)) and approving the Settlement Agreement ([Doc. #30-1](#); [Doc. #30-2](#)) as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act. ([Doc. #31](#)). The time available to file an objection to this Report and Recommendation has expired, and therefore this matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's

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report and recommendation. See 28 U.S.C. § 636(b)(1); see also *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). 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).

After conducting an independent examination of the file and upon consideration of Judge Miranda's findings and recommendations, the Court accepts the Report and Recommendation (Doc. #31).

Accordingly, it is now

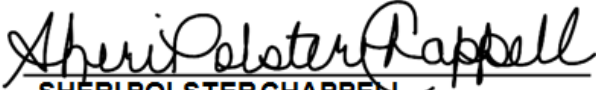
**ORDERED:**

1. The Report and Recommendation (Doc. #31) is **ACCEPTED AND ADOPTED** and the findings incorporated herein.

2. The Parties' Amended Joint Motion to Approve Settlement Agreement and Stipulation for Dismissal with Prejudice (Doc. #30) is **GRANTED**, and the Settlement Agreement (Doc. #30-1; Doc. #30-2) is approved as fair and reasonable.

3. The Clerk of Court is **DIRECTED** to enter judgment accordingly, dismiss the case with prejudice, terminate all deadlines and motions, and close the file.

**DONE and ORDERED** in Fort Myers, Florida, this 16th day of September, 2015.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record