

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MOLLY WRIGHT, TRISHA BREMER,  
SHAWN FISHER, KIMBERLY FISHER,  
JAMES R. MARSHALL, ANGELA  
MCDOUGALL, THOMAS PATTERSON,  
MICHAEL PIASECKI, CHRIS A.  
WIGLESWORTH and DOROTHY  
WILLIS, on behalf of themselves and all  
others similarly situated

Plaintiffs,

v.

Case No: 2:15-cv-249-FtM-38MRM

DYCK-O'NEAL, INC. and LAW  
OFFICES OF DANIEL C.  
CONSUEGRA, P.L.,

Defendants.

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

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. #67](#)) filed on June 15, 2016. Judge McCoy recommends that Plaintiff James Marshall, now deceased, be dismissed from this action for failure to file a motion for substitution of party pursuant to [Fed. R. Civ. P. 25](#) and for failure to file a response to the Order to Show Cause. No party has filed objections to the Report and Recommendation, and the time to do so has expired. Thus, the Report and Recommendation is ripe for review.

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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. 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 independently examining the file and upon considering Judge McCoy's findings and recommendations, the Court accepts the Report and Recommendation ([Doc. #67](#)).

Accordingly, it is now

**ORDERED:**

- (1) The Report and Recommendation ([Doc. #67](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) Plaintiff James Marshall is dismissed from this action.

**DONE and ORDERED** in Fort Myers, Florida this 1st day of July, 2016.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record