

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

WENDY CASTRO, M.C., a minor, by  
and through his mother and natural  
guardian

Plaintiff,

v.

Case No: 2:15-cv-378-FtM-38CM

UNITED STATES OF AMERICA,

Defendant.

\_\_\_\_\_ /

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

This matter comes before the Court on the Honorable Carol Mirando's sealed Report and Recommendation ([Doc. #49](#)) filed January 13, 2017. Judge Mirando recommends granting the Motion for Approval of Minor's Settlement ([Doc. #48](#)). Neither party objects to the Report and Recommendation. ([Doc. #50](#)).

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\(b\)\(1\)](#); [Williams v. Wainwright](#), [681 F.2d 732 \(11th Cir. 1982\)](#). Absent 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

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and recommendations, [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The district judge reviews legal conclusions *de novo*, even absent an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).


After independently examining the file, including the Court-appointed guardian ad litem's *in camera* report, the Court accepts the Report and Recommendation ([Doc. #49](#)).

Accordingly, it is now

**ORDERED:**

- (1) The Report and Recommendation ([Doc. #49](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) The Motion for Approval of Minor's Settlement ([Doc. #48](#)) is **GRANTED**. The Court approves the settlement in its entirety as in the best interest of the minor M.C. and directs that the settlement amount be distributed according to the terms recommended by the guardian ad litem.
- (3) Plaintiff is **AUTHORIZED** to execute all necessary instruments to complete the settlement on M.C.'s behalf.
- (4) The Clerk is **DIRECTED** to enter judgment for Plaintiff and against Defendant in the amount of \$290,000.00 inclusive of all fees and costs.

**DONE and ORDERED** in Fort Myers, Florida this 19th day of January 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record