

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GABRIELA ROSALES, on behalf of
herself and others similarly situated

Plaintiff,

v.

Case No: 2:15-cv-711-FtM-38CM

EL MICHOACANA LLC,

Defendant.

_____ /

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 38](#)). Judge Mirando recommends granting the parties' Joint Motion to Approve Settlement and Dismiss with Prejudice ([Doc. 37](#)) and approving the Settlement Agreement and Plaintiff's Release of Claims for Unpaid Wages ([Doc. 37-1](#)) as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act. Because the parties do not object to the Report and Recommendation ([Doc. 39](#)), this matter is ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district

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judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


After examining the file carefully and independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation ([Doc. 38](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) The Joint Motion to Approve Settlement and Dismiss with Prejudice ([Doc. 37](#)) is **GRANTED** and the Settlement Agreement ([Doc. 37-1](#)) is **APPROVED** as a fair and reasonable resolution of the bona fide FLSA dispute. This action is **DISMISSED with prejudice.**
- (3) The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending deadlines and motions, and close the file.

DONE and ORDERED in Fort Myers, Florida this 1st day of September, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record