

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

EDWARD SANTANA,

Plaintiff,

v.

Case No: 2:16-cv-79-FtM-29MRM

ME OF NAPLES, INC.,

Defendant.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #44), filed July 27, 2016, recommending that that the parties' Joint Motion for Approval of an FLSA Settlement Agreement and for Dismissal With Prejudice (Doc. #43) be granted, the Settlement Agreement (Doc. #43-1) be approved, that reimbursement of the filing fee and service fees be waived, and that the case be dismissed with prejudice and 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 parties' Joint Motion for Stipulated Final Judgment and Dismissal With Prejudice (Doc. #29) is **denied as moot** in light of the later filed motion seeking approval.

2. The Report and Recommendation (Doc. #42) recommending denial of the parties' Joint Motion for Stipulated Final Judgment and Dismissal With Prejudice (Doc. #29) is **deemed moot**.

3. The Report and Recommendation (Doc. #44) is hereby **adopted** and the findings **incorporated** herein.

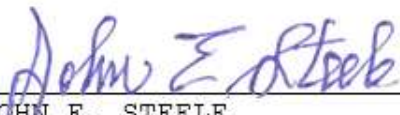
4. The parties' Joint Motion for Approval of an FLSA Settlement Agreement and for Dismissal With Prejudice (Doc. #43)

is **granted** and the Settlement Agreement (Doc. #43-1) is **approved** as a fair and reasonable resolution of a bona fide dispute.

5. Plaintiff is not required to reimburse the Court for the filing fee for the reasons stated by the Magistrate Judge (Doc. #44, p. 4), and no service fees were incurred through the U.S. Marshal.<sup>1</sup>

6. The Clerk shall enter judgment **dismissing** the case with prejudice, terminate all deadlines and motions, and close the file.

**DONE and ORDERED** at Fort Myers, Florida, this 23rd day of August, 2016.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

Copies:  
Hon. Mac R. McCoy  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties

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<sup>1</sup> The Court notes that plaintiff elected to use a private company for execution of service of process. (Doc. #10.)