

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

YOANDRY GARCIA and CASSANDRA  
DRAKE, individually and as natural  
guardians of AG

Plaintiffs,

v.

Case No: 2:16-cv-168-FtM-38MRM

UNITED STATES OF AMERICA,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 55](#)). Judge McCoy recommends granting the Amended Unopposed Motion for Approval of Minor's Settlement ([Doc. 54](#)) and denying as moot the original Unopposed Motions ([Doc. 48](#); [Doc. 50](#)). No party objects to the Report and Recommendation, and the time to do so has expired. 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 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.* "The judge may

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also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


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

Accordingly, it is now

**ORDERED:**

- (1) The Report and Recommendation ([Doc. 55](#)) is **ACCEPTED and ADOPTED** and the findings incorporated in this Order.
- (2) The Unopposed Motion for Approval of Minor’s Settlement ([Doc. 48](#) (sealed); [Doc. 50](#) (redacted)) is **DENIED as moot**.
- (3) The Amended Unopposed Motion for Approval of Minor’s Settlement ([Doc. 54](#)) is **GRANTED**.
- (4) The Stipulation for Compromise Settlement and Release ([Doc. 54-1 at 1-21](#)) and Irrevocable Reversionary Inter Vivos Grantor Medical Care Trust for the Benefit of [A.G.] ([Doc. 54-1 at 22-54](#)) are reasonable, fair, and in the best interests of A.G., a minor.
- (5) The Court will enter the parties’ proposed Order Approving Settlement on Behalf of Minor under separate cover.

**DONE and ORDERED** in Fort Myers, Florida this 12th day of February 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record