

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

GWYNETTA GITTENS, JERALD
THOMPSON, STEPHANIE LAWRENCE
and PRESTON TOWNS, an individual

Plaintiffs,

v.

Case No: 2:16-cv-412-FtM-99MRM

THE SCHOOL BOARD OF LEE
COUNTY, FLORIDA,

Defendant.

OPINION AND ORDER¹

This matter comes before the Court upon review of United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 48](#)) filed on July 7, 2017. Judge McCoy recommends denying Plaintiffs' Motion to Certify a Class Action Pursuant to Rule 23(B)(1) and (3) ([Doc. 34](#)). No objections have been filed and the time to do so has expired.

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\(b\)\(1\)](#). If no specific objections to findings of fact are filed, the district judge is not required to conduct a de novo review of those findings. See [Garvey v. Vaughn, 993 F.2d 776, 779 n.9 \(11th Cir.](#)

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1993). However, the district judge must review 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 careful consideration of the Report and Recommendation and an independent review of the file, the Court adopts, accepts, and approves the Report and Recommendation.

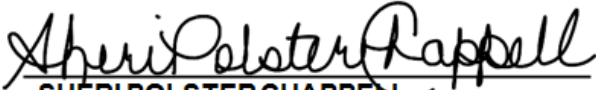
Accordingly, it is now

ORDERED:

(1) The Report and Recommendation ([Doc. 48](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.

(2) Plaintiffs' Motion to Certify a Class Action Pursuant to Rule 23(B)(1) and (3) ([Doc. 34](#)) is **DENIED**.

DONE and ORDERED in Fort Myers, Florida this 24th day of July, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
All Parties of Record