

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

PAULINE PHIPPS,

Plaintiff,

v.

Case No: 2:16-cv-542-FtM-38MRM

STEVE WHIDDEN,

Defendant.

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. #25](#)) filed on March 9, 2017. Judge McCoy recommends dismissing this action against Steve Whidden based on Plaintiff's failure to prosecute. No objections have been filed and the time to do so has now expired. The 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\(b\)\(1\)](#). 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 \(11th Cir. 1993\)](#). However, the district judge must review legal conclusions *de novo*, even in the

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absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994)

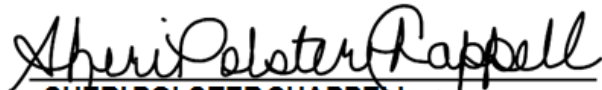
After careful consideration of the Report and Recommendation and an independent review of the file, the Court adopts, accepts, and approves the Report and Recommendation.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation ([Doc. #25](#)) is **ACCEPTED and ADOPTED** and the findings are incorporated herein.
2. This cause is **DISMISSED without prejudice**. The Clerk is directed to terminate any pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 27th day of March, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

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