

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ANITA ANDREWS,

Plaintiff,

v.

Case No: 2:16-cv-814-SPC-MRM

DEPUTY BRANDON
MARSHALL, SERGEANT
ROBERT KIZZIRE, CORIZON
HEALTH, INC. and CARMINE
MARCENO,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R") ([Doc. 172](#)). Judge McCoy recommends granting and denying in part Defendants' Motion to Tax Costs ([Doc. 162](#)) and granting Defendants' Renewed Motion to Enter Judgment ([Doc. 163](#)). Neither party timely objected, so the matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate

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judge's R&R. See 28 U.S.C. § 636(b)(1); see also *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). 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).

After careful consideration and an independent review of the file, the Court accepts and adopts the R&R (Doc. 172) in full.

Accordingly, it is now

ORDERED:


- (1) The Report and Recommendation (Doc. 172) is **ACCEPTED and ADOPTED** and incorporated into this Order.
- (2) Defendants' Motion to Tax Costs (Doc. 162) is **GRANTED and DENIED in part**.
 - a. The Motion is **GRANTED in part**. Defendants Brandon Marshall, Robert Kizzire, and Sheriff Carmine Marceno, in his official capacity as Lee County Sherriff, are **AWARDED** \$40 for expert witness fees.

- b. The Clerk is **DIRECTED** to enter judgment in favor of Marshall, Kizzire, and Marceno.
- c. The Motion is **DENIED in part** as to the request to tax mediation and appellate clerk fees.
- d. The balance of the Motion is **DENIED without prejudice**.
- e. While it appears they already did so, Marshall, Kizzire, and Marceno can renew the Motion **on or before June 1, 2021**.

(3) Defendants' Renewed Motion to Enter Judgment ([Doc. 163](#)) is **GRANTED**.

- a. Marshall, Kizzire, and Marceno are **AWARDED** \$9,000 as costs of the previous action.
- b. The Clerk is **DIRECTED** to enter judgment in favor of Marshall, Kizzire, and Marceno.

DONE and ORDERED in Fort Myers, Florida on May 25, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record