

**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. 179](#)). Judge McCoy recommends granting and denying in part Defendants' Renewed Motion to Tax Costs ([Doc. 173](#)). 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 judge's R&R. *See* [28 U.S.C. § 636\(b\)\(1\)](#); *see also Williams v. Wainwright*, [681](#)

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

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. 179) in full.

Accordingly, it is now

ORDERED:


(1) The Report and Recommendation (Doc. 179) is **ACCEPTED and ADOPTED** and incorporated into this Order.

(2) Defendants' Renewed Motion to Tax Costs (Doc. 173) is **GRANTED in part and DENIED in part** as follows:

- a. The motion is granted to the extent Defendants are awarded \$454 in fees for service;
- b. The motion is granted to the extent Defendants are awarded \$3,864.30 in fees of the Court Reporter;
- c. The motion is granted to the extent Defendants are awarded \$80 for witness fees;

- d. The Clerk of Court is **DIRECTED** to enter an amended cost judgment for Defendants Brandon Marshall, Robert Kizzire, and Sheriff Carmine Marceno, in his official capacity as Lee County Sheriff with the amended amount being \$13,438.30;
- e. The motion is denied to the extent it seeks any greater or different relief.

DONE and **ORDERED** in Fort Myers, Florida on August 31, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record