

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

VANESSA PRADA and JIMMY
WALKER,

Plaintiffs,

v.

Case No: 2:16-cv-850-FtM-38CM

DCS ENTERPRISES, INC., DAVID
STEWART and SUE STEWART,

Defendants.

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OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 56](#)). Judge Mirando recommends dismissing Plaintiffs Vanessa Prada and Jimmy Walker's claims under the Fair Labor Standards Act because they have not provided, despite several opportunities, sufficient settlement documents for the Court's review under *Lynn's Food Store, Inc. v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982). Because the Court cannot determine whether their settlement agreements are fair and reasonable, Judge Mirando recommends dismissing without prejudice their claims. Neither Prada nor Walker object to the Report and Recommendation, and the time to do so has expired.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

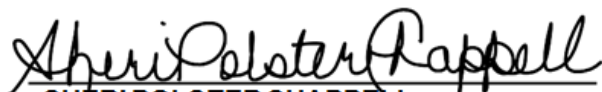
A district judge “may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file carefully and independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation (Doc. 56) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) The claims of Plaintiffs Vanessa Prada and Jimmy Walker are **DISMISSED without prejudice.**
- (3) The Clerk is **DIRECTED** to enter judgment accordingly, terminate any pending deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 31st day of October 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record