

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

IN RE:  
EDDIE ALEXANDER BANKS

CASE NO: 2:16-mc-7-FtM-38CM

---

**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on United States Magistrate Carol Mirando's Report and Recommendation. ([Doc. 19](#)). Judge Mirando recommends denying Petitioner Eddie Alexander Banks' Request for Entry ([Doc. 5](#)) and dismissing this matter without prejudice. Banks has not objected to the Report and Recommendation, 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\(b\)\(1\)](#). 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 evidenced or recommit the matter to the magistrate judge with instructions." *Id.*

---

<sup>1</sup> 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.

After examining the file carefully and independently, and upon considering Judge Mirando's findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED:**

1. The Report and Recommendation ([Doc. 19](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Petitioner Eddie Alexander Banks' Request for Entry ([Doc. 5](#)) is **DENIED**. This case is **DISMISSED** without prejudice.

**DONE and ORDERED** in Fort Myers, Florida this 19th day of June, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record