

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

RONALD OBAS,

Plaintiff,

v.

Case No: 2:17-cv-150-FtM-99MRM

RITZ-CARLTON HOTEL COMPANY,  
LLC and WILLIAM JESKE,

Defendants.

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

This matter comes before the Court on review of United States Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 41](#)), recommending that this action be dismissed without prejudice against Defendant William Jeske for Plaintiff's failure to timely serve Jeske pursuant to Fed. R. Civ. P. 4(m). No objections have been filed 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

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may also receive further evidenced or recommit the matter to the magistrate judge with instructions.” *Id.*

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation. Defendant Jeske will be terminated from this case but the case will proceed against the Ritz-Carlton Hotel Company, LLC.

Accordingly, it is now

**ORDERED:**

(1) The Report and Recommendation ([Doc. 41](#)) is accepted and adopted and its findings incorporated herein.

(2) Defendant William Jeske is dismissed from this action without prejudice and the Clerk is directed to terminate Jeske as a party-defendant.

**DONE** and **ORDERED** in Fort Myers, Florida this 8th day of August, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record