

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ALDO DELGADO and DAMIAN
MENDEZ,

Plaintiffs,

v.

Case No: 2:17-cv-411-FtM-99MRM

GATOR MULCH OF S.W. FLORIDA,
INC., a Florida profit
corporation, as successor in
interest to Florida
Spreading Services, LLC,
MANUEL GAMEZ-NINO,
individually, and HEIDI
SARIOL, individually,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #38), filed July 26, 2018, recommending that the Joint Motion to Approve Settlement Agreement (Doc. #37) be denied without prejudice, with direction that the parties elect one of two options no later than August 28, 2018. No objections have been filed and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982),

cert. denied, 459 U.S. 1112 (1983). 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). 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); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

The Magistrate Judge found deficiencies that precluded approval of the parties' settlement, including the failure to address why the Mutual General Release of Claims was fair and reasonable. After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

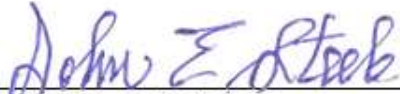
ORDERED:

1. The Report and Recommendation (Doc. #38) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion to Approve Settlement Agreement (Doc. #37) is **denied without prejudice**.

3. **On or before August 28, 2018**, the parties shall file an amended motion that adequately addresses the issues raised by the Magistrate Judge. If no motion is filed, the Court will assume that the parties have elected to continue to prepare the case for trial as scheduled.

DONE and ORDERED at Fort Myers, Florida, this 10th day of August, 2018.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties