

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. #41), filed September 4, 2018, recommending that the Amended Joint Motion to Approve Settlement Agreement (Doc. #40) be granted, the settlement be approved, and the Court retain jurisdiction until May 1, 2020. 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).

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. The Court will administratively close the case for the period of time agreed to for monthly payments of settlement proceeds.

Accordingly, it is now

ORDERED:


1. The Report and Recommendation (Doc. #41) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Amended Joint Motion to Approve Settlement Agreement (Doc. #40) is **granted** and the Settlement Agreement and Release of Wage Claims (Doc. #40-1) is approved as a fair and reasonable resolution of a bona fide dispute.

3. The case is hereby **DISMISSED**, without prejudice and subject to the right of the parties **until May 1, 2020**, to submit

a stipulated form of final order or judgment, **or** request an extension of time should they so choose, **or** for any party to move to reopen the action, *upon good cause being shown*. After **May 1, 2020**, however, without further notice or order, this dismissal shall be deemed *with prejudice* and judgment will be entered. The Clerk is **directed** to terminate any previously scheduled deadlines and pending motions, and administratively close the case pending further Order.

DONE and ORDERED at Fort Myers, Florida, this 19th day of September, 2018.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record
Unrepresented parties