

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MICHAEL ASHWORTH,

Plaintiff,

v.

Case No: 2:17-cv-577-FtM-99MRM

GLADES COUNTY BOARD OF
COUNTY COMMISSIONERS,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #35), filed April 18, 2019, recommending that the Joint Stipulation for Dismissal With Prejudice (Doc. #32) and Motion for Approval of Settlement Agreement (Doc. #34) be denied without prejudice, and the parties be directed to elect an option by a certain deadline. 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)(C). 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 that the submitted Agreement and General Release is not signed by any party, that there is a discrepancy in the original amount and the ultimate settlement amount, liquidated damages are not allocated, consideration for concessions is lacking, the payment attorney's fees are unclear, and there is conflicting language concerning the dismissed retaliation claim. 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

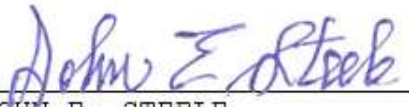
ORDERED:

1. The Report and Recommendation (Doc. #35) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Stipulation for Dismissal With Prejudice (Doc. #32) and Motion for Approval of Settlement Agreement (Doc. #34) are **denied without prejudice**.

3. The parties shall file an amended joint motion **on or before May 30, 2019**. If no amended motion is filed, the case will proceed to trial.

DONE and ORDERED at Fort Myers, Florida, this 3rd day of May, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record
Unrepresented parties