

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JAM AGUIAR,

Plaintiff,

v.

Case No: 2:18-cv-116-FtM-38UAM

REAL MONARCA INC and  
GUILLERMO CUEVAS,

Defendants.

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

Before the Court is Magistrate Judge Douglas N. Frazier's Report and Recommendation. ([Doc. 39](#)). Judge Frazier recommends granting the parties' Renewed Joint Motion for Approval of Settlement Agreement and Entry of an Order of Dismissal with Prejudice ([Doc. 38](#)) and approving their Settlement Agreement ([Doc. 38-1](#)). ([Doc. 39 at 1, 4](#)). The parties filed a Joint Notice of Non-Objection to the Report and Recommendation, stating that neither objects. ([Doc. 40](#)). The matter is ripe for review.

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. See [28 U.S.C. § 636\(b\)\(1\)](#); see also [Williams v. Wainwright](#),

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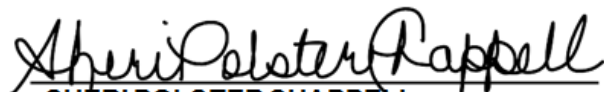
681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings de novo, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 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).

After careful consideration and an independent review of the file, the Court accepts and adopts the Report and Recommendation ([Doc. 39](#)) in full.

Accordingly, it is now **ORDERED**:

1. The Report and Recommendation ([Doc. 39](#)) is **ACCEPTED and ADOPTED** and incorporated into this Order.
  - a. The parties' Renewed Joint Motion for Approval of Settlement Agreement and Entry of an Order of Dismissal with Prejudice ([Doc. 38](#)) is **GRANTED**.
  - b. The Settlement Agreement ([Doc. 38-1](#)) is **APPROVED** as a fair and reasonable resolution of the parties' bona fide dispute.
2. The action is **DISMISSED with prejudice**.
3. The Clerk is **DIRECTED** to enter judgment accordingly, terminate all pending motions and deadlines, and close the file.

**DONE and ORDERED** in Fort Myers, Florida this 28th day of March, 2019.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record