

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ROLANDO ZAPATA,

Plaintiff,

v.

Case No: 2:19-cv-163-FtM-29MRM

XTREME RECOVERY & TRANSPORT,  
INC., a Florida profit  
corporation, DAVID MAYHOOD,  
individually, and TYLER  
GOSSARD, individually,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #21), filed June 28, 2019, recommending that the Joint Motion to Approve Settlement and for Dismissal With Prejudice (Doc. #18) be granted, the settlement agreement be approved, and the case dismissed. On July 2, 2019, the parties filed a Joint Notice of Non-Objection (Doc. #22).

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).

Defendant David Mayhood did not execute the joint motion, but the parties notified the Court that the intent was to encompass defendant in the dismissal with prejudice. (Doc. #20.) 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:**

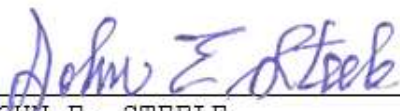
1. The Report and Recommendation (Doc. #21) is hereby **adopted** and the findings **incorporated** herein.

2. The parties' Joint Motion to Approve Settlement and for Dismissal With Prejudice (Doc. #18) is **granted** and the Settlement Agreement and Release (Doc. #18-1) is **approved** as a fair and reasonable resolution of a bona fide dispute.

3. Defendant David Mayhood is dismissed with prejudice and shall be terminated on the docket.

4. The Clerk shall enter judgment **dismissing** the case as to defendants Xtreme Recovery & Transports, Inc. and Tyler Gossard with prejudice, terminate all deadlines and motions, and close the file.

**DONE and ORDERED** at Fort Myers, Florida, this 15th day of July, 2019.

  
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JOHN E. STEELE  
SENIOR UNITED STATES DISTRICT JUDGE

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

Counsel of Record  
Unrepresented parties