

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

MVM, INC. and CONTINENTAL
INSURANCE COMPANY/
CNA INTERNATIONAL,

Plaintiffs/Petitioners,

Case. No. 3:10-cv-879-J-34JRK

vs.

QUINCY URSO and SUSAN URSO,
parents of Wesley J. Urso, deceased, and
DIRECTOR, OFFICE OF WORKERS'
COMPENSATION PROGRAMS, UNITED
STATES DEPARTMENT OF LABOR,

Defendants/Respondents.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 23; Report), entered by the Honorable James R. Klindt, United States Magistrate Judge, on June 10, 2011. In the Report, Magistrate Judge Klindt recommends that the Court deny Defendants' Motion to Dismiss Plaintiffs' Petition for Review/Complaint and Incorporated Memorandum of Law (Dkt. No. 7; Petition) filed October 19, 2010. See Report at 9. Neither party has filed objections to the Report, and the time for doing so has now passed.

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of fact are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see

also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615 at *1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge.¹ Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 23) is **ADOPTED** as the opinion of the Court.
2. The Motion to Dismiss for Lack of Jurisdiction (Dkt. No. 7) is **DENIED**.

DONE AND ORDERED at Jacksonville, Florida, this 18th day of July, 2011.


MARCIA MORALES HOWARD
United States District Judge

¹ The Magistrate Judge's Report refers to the Defense Base Act, 42 U.S.C. §§ 1561, et seq. when referencing the original Petition. See Report at 2. The Court recognizes this statutory reference to be a typographical error and interprets the Report to refer to the Defense Base Act, 42 U.S.C. §§ 1651, et seq. as noted in the Petition. See Petition at 3.

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Copies to:

The Honorable James R. Klindt
United States Magistrate Judge

Counsel of Record

Pro Se Parties