

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

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

v.

Case No. 3:11-cv-334-J-34JBT

RONALD TAYLOR, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 12; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on September 13, 2011. In the Report, Magistrate Judge Toomey recommends that Plaintiff Metropolitan Life Insurance Company's Unopposed Motion for Interpleader and for Dismissal from this Action with Prejudice (Dkt. No. 8; Motion) be granted. See Report at 5. Magistrate Judge Toomey further recommends that Plaintiff, along with Norfolk Southern Corporation and the Norfolk Southern Corporation Comprehensive Benefits Plan, be discharged from any further liability and that Defendants be restrained and enjoined from instituting any further action with regard to this matter. See id. Finally, Magistrate Judge Toomey recommends that the Clerk of the Court be directed to deposit the funds into a special interest-bearing account. See id. Defendants have failed to file 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 facts 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. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge’s Report and Recommendation (Dkt. No. 12) is **ADOPTED** as the opinion of the Court.
2. Plaintiff Metropolitan Life Insurance Company’s Unopposed Motion for Interpleader and for Dismissal from this Action with Prejudice (Dkt. No. 8) is **GRANTED**.
3. Plaintiff is **DISMISSED with prejudice**, and the Clerk of the Court is directed to terminate Plaintiff from the Court docket.
4. Plaintiff, along with Norfolk Southern Corporation (Norfolk) and the Norfolk Southern Corporation Comprehensive Benefits Plan (the Plan), are **DISCHARGED** from any further liability for the subject funds and/or any applicable interest.

5. Defendants are restrained and enjoined from instituting any action or proceeding in any state or federal court against Plaintiff, Norfolk, or the Plan for recovery of the subject funds and/or any applicable interest.

6. The Clerk of the Court is further directed to deposit the subject funds, see Dkt. No. 11, into a special interest-bearing account pursuant to Local Rule 4.16, United States District Court, Middle District of Florida.

DONE AND ORDERED at Jacksonville, Florida, this 6th day of October, 2011.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Honorable Joel B. Toomey
United States Magistrate Judge

Counsel of Record

Any Unrepresented Party