

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

KONDAUR CAPITAL CORP.,

Plaintiff,

v.

Case No. 3:12-cv-750-J-99MMH-TEM

SAULO T. GASPARETO,

Defendant.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 18; Report), entered by the Honorable Thomas E. Morris, United States Magistrate Judge, on November 14, 2012. In the Report, the Magistrate Judge recommends that Plaintiff's Motion for Remand (Dkt. No. 14) be granted, in part, and denied, in part, that this case be remanded, and that Plaintiff's request for attorney's fees be denied. See Report at 7. No objections to the Report have been filed, 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. Accordingly, it is hereby

ORDERED:

1. The Court **ACCEPTS** the proposed resolution set forth in the Report and Recommendation (Dkt. No. 18).

2. Plaintiff's Motion for Remand (Dkt. No. 14) is **GRANTED, in part, and DENIED, in part.**

a. The Motion is **GRANTED** to the extent that the Clerk of the Court is **DIRECTED** to remand this case to the Circuit Court of the Fourth Judicial Circuit, in and for Duval County, Florida, and to transmit a certified copy of this Order to the clerk of that court.

b. The Motion is **DENIED** to the extent Plaintiff requests an award of attorney's fees.

3. The Clerk is further directed to terminate all pending motions and deadlines as moot, and close the file.

DONE AND ORDERED at Jacksonville, Florida, this 4th day of January, 2013.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

The Honorable Thomas E. Morris
United States Magistrate Judge

Counsel of Record

Pro Se Parties

Clerk of Court, Fourth Judicial Circuit