

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL L. FOSTER,

Plaintiff,

v.

Case No. 8:09-cv-1123-T-33MAP

EAST ULMERTON TDM, LLC,
ET AL.,

Defendants.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Mark A. Pizzo's Report and Recommendation (Doc. # 16), filed on January 7, 2010, recommending that Plaintiffs be directed to show cause why this case should not be dismissed for lack of prosecution pursuant to Local Rule 3.10, M.D. Fla. Judge Pizzo also recommends that Defendants' oral motion to dismiss, raised at a status conference before Judge Pizzo, be granted.

As of this date, there are no objections to the report and recommendation, and the time for the parties to file such objections has elapsed.

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)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. 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).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge and the recommendation of the magistrate judge.


Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 16) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiffs are directed to show cause, in writing within ten days of the date of this order, why this case should not be dismissed for lack of prosecution pursuant to

Local Rule 3.10, M.D. Fla. If Plaintiffs fail to respond to this Order, Defendants' oral motion to dismiss will be granted without further warning.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 25th day of January 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel and Parties of Record