

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RICHARD EATMAN,

Plaintiff,

v.

Case No. 8:10-cv-1370-T-33EAJ

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its capacity as
Receiver for Colonial Bank,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Elizabeth A. Jenkins' Report and Recommendation (Doc. # 34), entered on May 20, 2011, which recommends that Defendant's Motion to Dismiss Plaintiff's Complaint for Lack of Subject Matter Jurisdiction (Doc. # 10) 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 regarding the motion.

Accordingly, it is now


ORDERED, ADJUDGED, and DECREED:

1. United States Magistrate Elizabeth A. Jenkins' Report and Recommendation (Doc. # 34) is **ACCEPTED** and **ADOPTED**.
2. Defendant's Motion to Dismiss Plaintiff's Complaint for Lack of Subject Matter Jurisdiction (Doc. # 10) is **GRANTED**. Plaintiff's claims are dismissed pursuant to

Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction.

3. The Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 14th day of June, 2011.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to:

All Counsel of Record