

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

KAREN PALMA and HALLIE SELGERT,

Plaintiffs,

v.

Case No. 8:13-cv-698-T-33MAP

METROPCS WIRELESS, INC.,

Defendant.

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ORDER

This matter is before the Court on consideration of the Report and Recommendation of United States Magistrate Judge Mark A. Pizzo (Doc. # 100), filed on August 9, 2013, in which Judge Pizzo recommends that Plaintiffs' Motion for Preliminary Injunction and/or Protective Order (Doc. # 57) be denied. Plaintiffs filed an objection to the Report and Recommendation on August 23, 2013 (Doc. # 103), and Defendant filed a response to Plaintiffs' objection on September 6, 2013 (Doc. # 107).

After careful consideration and being fully advised in the premises, the Court adopts the Report and Recommendation of the Magistrate Judge and overrules the filed objection.

Discussion

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).

Upon due consideration of the entire record, including the Report and Recommendation and Plaintiffs' objection thereto, the Court overrules the objection and adopts the Report and Recommendation. The Court agrees with the Magistrate Judge's finding that Plaintiffs failed to meet their burden for the imposition of a preliminary injunction. In addition, Plaintiffs failed to demonstrate that the entry of a protective order was required.


The Report and Recommendation thoughtfully addresses the issues presented, and Plaintiffs' arguments raised in the objection do not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation of the Honorable Mark A. Pizzo (Doc. # 100) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiffs' Motion for Preliminary Injunction and/or Protective Order (Doc. # 57) is **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 13th day of September, 2013.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record