

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

Case No. 8:14-cv-659-T-33EAJ

JOHN DOE subscriber assigned
IP address 24.94.99.165,

Defendant.

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ORDER

This matter is before the Court on consideration of the Report and Recommendation of United States Magistrate Judge Elizabeth A. Jenkins (Doc. # 16), filed on July 29, 2014, recommending that Defendant John Doe's Omnibus Motion to Dismiss Action with Motion to Quash Non-Party Subpoenas or Enter Protective Order (Doc. # 8) be denied.

On August 12, 2014, Defendant John Doe filed an objection to the Magistrate Judge's Report and Recommendation (Doc. # 17), and Plaintiff Malibu Media, LLC, filed a response to that objection on August 26, 2014 (Doc. # 18). Upon due consideration, the Court overrules Defendant's objection and adopts the Report and Recommendation.

Discussion

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-Hous. 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).

The Court has conducted an independent examination of the file, and upon due consideration, the Court overrules the objection, accepts the factual findings and legal conclusions of the Magistrate Judge, and adopts the recommendation of the Magistrate Judge. The Report and Recommendation thoughtfully

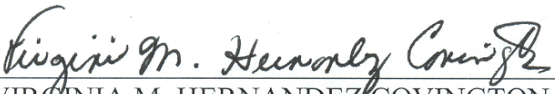
addresses the issues presented, and the objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation of Elizabeth A. Jenkins, United States Magistrate Judge (Doc. # 16) is **ADOPTED**.
- (2) Defendant John Doe's Omnibus Motion to Dismiss Action with Motion to Quash Non-Party Subpoenas or Enter Protective Order (Doc. # 8) is **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 27th day of August, 2014.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record