

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOHN MOSLEY,

Plaintiff,

v.

Case No. 8:16-cv-2086-T-33AAS

BAYVIEW LOAN SERVICING, LLC,

Defendant.

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Amanda Arnold Sansone's Report and Recommendation (Doc. # 22), entered on January 5, 2017, recommending that Defendant Bayview Loan Servicing, LLC's Motion for Prevailing Party Attorney's Fees and Costs (Doc. # 12) be denied. No objections have been filed. The Court adopts the Report and Recommendation and denies the Motion.

Discussion

On February 27, 2015, Plaintiff John Mosley executed a deed in lieu of foreclosure, along with a deed in lieu of foreclosure agreement. (Doc. # 12-1). Thereafter, on June 24, 2016, Mosley filed the instant action against Bayview, alleging Bayview violated the Real Estate Settlement Procedures Act, 12 U.S.C. § 2605(k), in state court. (Doc. #

2). Bayview removed to this Court on the basis of federal question jurisdiction, served Mosley's counsel with a twenty-one day safe harbor letter and proposed motion for sanctions, causing Mosley to dismiss the action with prejudice on July 27, 2016. (Doc. ## 1, 10, 11).

Bayview then moved for attorney's fees in the amount of \$9,709.50 and costs in the amount of \$426.48. (Doc. # 12). The Motion was referred to Judge Sansone. (Doc. # 13). After being fully briefed, Judge Sansone entered her Report and Recommendation, recommending that Bayview's Motion be denied. (Doc. # 22). The time for filing objections has passed and neither party has filed any objections.

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. # 22) is **ADOPTED**.
- (2) Defendant Bayview Loan Servicing, LLC's Motion for Prevailing Party Attorney's Fees and Costs (Doc. # 12) is **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 20th day of January, 2017.

