

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOZETTE THOMAS,

Plaintiff,

v.

Case No: 8:16-cv-3404-T-35JSS

SEMINOLE ELECTRIC COOPERATIVE
INC.,

Defendant.

ORDER

THIS CAUSE comes before the Court for consideration of the Motion for Attorneys' Fees filed by Defendant. (Dkt. 70) On October 23, 2018, United States Magistrate Judge Julie S. Sneed issued a Report and Recommendation, finding that the ends of justice would be best served by denying the Motion without prejudice due to the pendency of Plaintiff's appeal, with leave to re-file after the conclusion of the appeal. (Dkt. 73) No objections to Judge Sneed's Report and Recommendation have been filed, and the time to do so has now passed.


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, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This requires that the district judge "give fresh consideration to those issues to which specific

objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). 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. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 73), is **CONFIRMED** and **ADOPTED** as part of this Order; and
2. Defendant’s Motion for Attorneys’ Fees, (Dkt. 70), is **DENIED WITHOUT PREJUDICE** and with leave to re-file, if appropriate, within thirty (30) days of the entry of a decision by the Eleventh Circuit Court of Appeals on Plaintiff’s pending appeal.

DONE and **ORDERED** in Tampa, Florida, this 14th day of November, 2018.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person