

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 05-61115-CIV-HURLEY/WHITE

PETER J. CORINES,

Plaintiff,

v.

BROWARD COUNTY
SHERIFF'S OFFICE, et al.,

Defendants.

**ORDER OVERRULING DEFENDANTS' OBJECTION, ADOPTING
REPORT AND RECOMMENDATION OF MAGISTRATE JUDGE,
AND DENYING DEFENDANTS' MOTION FOR ATTORNEYS' FEES**

THIS CAUSE is before the court upon defendants' motion for award of attorneys' fees [DE # 133], and the report and recommendation of the Honorable Patrick A. White, United States Magistrate Judge [DE # 138]. The magistrate judge recommended that the court deny plaintiff's motion for attorneys' fees. Defendant filed an objection to the magistrate judge's report and recommendation [DE # 139].

Pursuant to Fed. R. Civ. P. 72(b), "The district judge . . . shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule." The rule requires that objections be filed within ten days of service of the report and recommendation, and that the objecting party arrange for transcription of sufficient portions of the record. Fed. R. Civ. P. 72(b). The district judge may then "accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions." *Id.* Portions of the

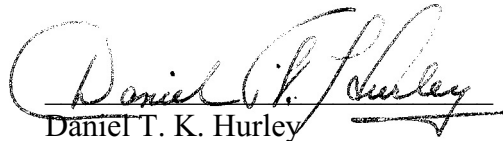
Order Overruling Objection, Adopting Magistrate Judge's Report and Recommendation and Denying Defendants'
Motion for Attorneys' Fees
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report and recommendation that are not specifically objected to are subject to the clear error standard. The identical requirements are set forth in 28 U.S.C. § 636(b)(1).

Therefore, for all the foregoing reasons, it is hereby **ORDERED** and **ADJUDGED** that:

1. Defendants' objection [DE # 139] to the magistrate judge's report and recommendation [DE # 138] is **OVERRULED**.
2. The report and recommendation of the magistrate judge [DE # 138] is **ADOPTED IN FULL** and incorporated herein by reference.
3. Defendants' motion for attorneys' fees [DE # 133] is **DENIED**.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida this 24th day of March, 2009.


Daniel T. K. Hurley
United States District Judge

Copies provided to counsel of record
Hon. Patrick A. White