

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

JAMES STEWART,)	
)	Case No. 2:16-cv-123
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Clifton L. Corker
RENE ROSALES and JC TIRES LLC,)	
)	
<i>Defendants.</i>)	

ORDER

On January 13, 2017, United States Magistrate Judge Clifton L. Corker filed his Report and Recommendation (Doc. 35) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Corker recommended that the settlement in this matter be approved, and the case be dismissed.

Neither party has filed objections to the Magistrate Judge’s Report and Recommendation.¹ Nevertheless, the Court has conducted a review of the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Corker’s well reasoned conclusions.

¹ Magistrate Judge Corker specifically advised the parties that they have fourteen days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 35, at 5); *see* Fed. R. Civ. P. 72(b)(2); *see also* *Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”). Even taking into account the three additional days for service provided by Federal Rule of Civil Procedure 6(d), the period in which the parties could timely file any objections has now expired.

Accordingly, the Court:

1. **ACCEPTS** and **ADOPTS** Magistrate Judge Corker's Report and Recommendation (Doc. 35);
2. **GRANTS** the parties' joint motion for order approving resolution of FLSA claim (Doc. 29); and
3. **ORDERS** the parties to file a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) within **thirty days**.

SO ORDERED.

/s/ Travis R. McDonough

**TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE**