

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

YOANDRY GARCIA and CASSANDRA
DRAKE, individually and as natural
guardians of AG

Plaintiffs,

v.

Case No: 2:16-cv-168-FtM-38MRM

UNITED STATES OF AMERICA,

Defendant.

_____ /

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Mac R. McCoy's Report and Recommendation. ([Doc. 55](#)). Judge McCoy recommends granting the Amended Unopposed Motion for Approval of Minor's Settlement ([Doc. 54](#)) and denying as moot the original Unopposed Motions ([Doc. 48](#); [Doc. 50](#)). No party objects to the Report and Recommendation, and the time to do so has expired. This matter is ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The 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." *Id.* "The judge may

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also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


After examining the file independently, and upon considering Judge McCoy’s findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation ([Doc. 55](#)) is **ACCEPTED and ADOPTED** and the findings incorporated in this Order.
- (2) The Unopposed Motion for Approval of Minor’s Settlement ([Doc. 48](#) (sealed); [Doc. 50](#) (redacted)) is **DENIED as moot**.
- (3) The Amended Unopposed Motion for Approval of Minor’s Settlement ([Doc. 54](#)) is **GRANTED**.
- (4) The Stipulation for Compromise Settlement and Release ([Doc. 54-1 at 1-21](#)) and Irrevocable Reversionary Inter Vivos Grantor Medical Care Trust for the Benefit of [A.G.] ([Doc. 54-1 at 22-54](#)) are reasonable, fair, and in the best interests of A.G., a minor.
- (5) The Court will enter the parties’ proposed Order Approving Settlement on Behalf of Minor under separate cover.

DONE and ORDERED in Fort Myers, Florida this 12th day of February 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record