

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ANNIA ESCALONA, an individual

Plaintiff,

v.

Case No: 2:16-cv-302-FtM-38CM

GULF COAST READERS, INC.,
ARCO MEDIA, INC., RHONDA
MOULDER and ANTHONY E.
MOULDER,

Defendants.

ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 35](#)). Judge Mirando recommends granting Plaintiff Annia Escalona's Motion to Release Funds² ([Doc. 34](#)) to satisfy the Judgment ([Doc. 23](#)) but denying her request for additional court costs. Neither party objects to the Report and Recommendation, and the time to do so has expired.

A district judge "may accept, reject, or modify in whole or in part, the findings of recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). The district judge "shall make a de novo determination of those portions of the report or specified

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² Judge Mirando construed Escalona's motion as a request for final judgment of garnishments against garnishee Bank of the Ozarks for \$5,091.96. ([Doc. 35](#)).

proposed findings or recommendations to which objection is made.” *Id.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After independently examining the file, and upon considering Judge Miranda’s finding and recommendations, the Court accepts and adopts the Report and Recommendation ([Doc. 35](#)).

Accordingly, it is now

ORDERED:

(1) The Report and Recommendation ([Doc. 35](#)) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.

(2) Plaintiff Annia Escalona’s Motion to Release Funds ([Doc. 34](#)) is **GRANTED in part** and **DENIED in part**.

a. The Clerk is **DIRECTED** to enter judgment against garnishee, Bank of the Ozarks, for **\$5,091.96**.

b. The motion is **DENIED without prejudice** as to Escalona’s request for \$160.00 in court costs. Escalona may file a motion regarding the Court’s authority to grant her request for an additional award of \$160.00 in court costs for supplementary proceedings and for judgment against Bank of Ozarks for such amount.

DONE and **ORDERED** in Fort Myers, Florida this 5th day of February 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record