

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

YAMILET CASTANEDA, and other  
similarly situated non-exempt  
employees

Plaintiff,

v.

Case No: 2:17-cv-498-FtM-38CM

REINALDO MARTINEZ,

Defendant.

\_\_\_\_\_ /

**ORDER**<sup>1</sup>

This matter comes before the Court on review of United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 23](#)). Judge Mirando recommends granting the parties' Renewed Joint Motion to Review and Approve the Parties' Proposed Settlement and Enter Dismissal with Prejudice ([Doc. 22](#)) and approving the Settlement Agreement and General Release ([Doc. 22-2](#)) as a fair and reasonable resolution of a bona fide dispute under the Fair Labor Standards Act. Neither party objects to the Report and Recommendation and the time to do so has expired. Thus, 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

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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.* And “[t]he judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*


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

Accordingly, it is now

**ORDERED:**

- (1) The Report and Recommendation ([Doc. 23](#)) is **ACCEPTED and ADOPTED** and the findings incorporated in this Order.
- (2) The Renewed Joint Motion to Review and Approve the Parties’ Proposed Settlement ([Doc. 22](#)) is **GRANTED** and the Settlement Agreement and General Release ([Doc. 22-1](#)) is **APPROVED** as a fair and reasonable resolution of the bona fide FLSA dispute. This action is **DISMISSED with prejudice**.
- (3) The Clerk is **DIRECTED to lift the stay** and then enter judgment accordingly, terminate any pending deadlines and motions, and close the file.

**DONE and ORDERED** in Fort Myers, Florida this 23rd day of January 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record