

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

REINALDO MANSO,

Plaintiff,

v.

Case No: 2:18-cv-283-FtM-38MRM

D. & R. GRANITE AND MARBLE,
LLC and RONALD BOFFIL,

Defendants.

ORDER¹

Before the Court is United States Magistrate Judge Mac R. McCoy's Report and Recommendation ("R&R") ([Doc. 20](#)), recommending that the parties' Joint Motion for Approval of Settlement ([Doc. 19](#)) be denied without prejudice. No party has objected to the R&R, and the period to do so has lapsed. This matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. [28 U.S.C. § 636\(b\)\(1\)](#); [Williams v. Wainwright](#), 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, and the court may accept, reject, or modify

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the findings in whole or in part. 28 U.S.C. § 636(b)(1); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *Cooper-Houston v. Southern Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Here, Judge McCoy recommends that the parties' Joint Motion be denied. (Doc. 20). Judge McCoy also recommends that the parties be ordered to either (1) file an amended joint motion to approve settlement; or (2) complete compliance with Paragraphs 1-2 and 6 of the FLSA Scheduling Order (Doc. 18) and file a Case Management Report. (Doc. 20). After conducting an independent examination of the file and on consideration of Judge McCoy's findings and recommendations, the Court accepts the R&R. But the parties' Renewed Joint Motion for Approval of Settlement, filed after entry of the R&R, renders Judge McCoy's second recommendation unnecessary. Nothing in this Order precludes the Renewed Joint Motion from being granted.

Accordingly, it is now

ORDERED:

The Report and Recommendation (Doc. 20) is **ACCEPTED and ADOPTED** and the findings are incorporated herein. The parties' Joint Motion for Approval of Settlement (Doc. 19) is **DENIED without prejudice**. Magistrate Judge McCoy will address the Renewed Joint Motion in due course.

DONE and ORDERED in Fort Myers, Florida this 25th day of September, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record