

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

A.G.R., a minor, by and through his
parents and natural guardians, Yuridia
Rios Rios and Filogones Garcia-Ojeda

Plaintiff,

v.

Case No: 2:18-cv-342-FtM-38MRM

UNITED STATES OF AMERICA,

Defendant.

ORDER¹

Before the Court is U.S. Magistrate Judge Mac R. McCoy's Report and Recommendation (R&R) ([Doc. 27](#)), recommending that Plaintiff A.G.R.'s Motion for Approval of Minor's Settlement ([Doc. 23](#)) be granted. The parties filed a Joint Notice of No Objection to the Report and Recommendation ([Doc. 30](#)). This matter is thus 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. See [28 U.S.C. § 636\(b\)\(1\)](#); see also *Williams v. Wainwright*, [681 F.2d 732 \(11th Cir. 1982\)](#). In the absence of specific objections, there is no

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requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations, 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).

Here, Judge McCoy reviewed the file, including a letter from A.G.R.'s guardian ad litem recommending approval of the settlement, and found the proposed settlement to be reasonable and in the best interests of A.G.R. Judge McCoy relied on the guardian ad litem's representation that the net settlement proceeds would be placed in a restricted guardianship account, but the parties' Stipulation for Compromise Settlement and Release of Federal Tort Claims Act Claims Pursuant to 28 U.S.C. § 2677 ([Doc. 29](#)) does not require such a distribution. The Court will thus modify the R&R to ensure the proceeds are distributed as understood by Judge McCoy and the guardian ad litem. After independently examining the file and on consideration of Judge McCoy's findings and recommendations, the Court accepts and adopts the R&R as modified.

Accordingly, it is now

ORDERED:

U.S. Magistrate Judge Mac R. McCoy's Report and Recommendation (R&R) ([Doc. 27](#)) is **ACCEPTED AND ADOPTED as modified**.

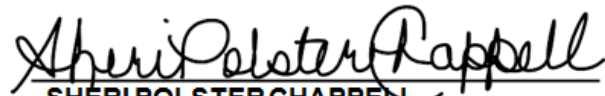
(1) The Motion for Approval of Minor's Settlement ([Doc. 23](#)) is **GRANTED**.

(2) Yuridia Rios Rios and Filogones Garcia-Ojeda, as parents and natural guardians of A.G.R., are authorized to execute all necessary instruments to complete the settlement on behalf of A.G.R.

(3) The Clerk of the Court is **DIRECTED** to enter judgment in favor of Plaintiff and against Defendant in the amount of \$200,000.00.

(4) Yuridia Rios Rios and Filogenes Garcia-Ojeda are **ORDERED** to place the net proceeds of the settlement in a restricted guardianship account for the benefit of A.G.R.

DONE and **ORDERED** in Fort Myers, Florida this 5th day of February, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record