

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NOEL ALVAREZ,

Plaintiff,

v.

Case No: 2:18-cv-424-FtM-38CM

FLORIDA MOTORSPORTS, LLC,

Defendant.

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OPINION AND ORDER¹

Before the Court is United States Magistrate Judge Carol Mirando's Report and Recommendation. ([Doc. 24](#)). Judge Mirando recommends granting the Second Joint Motion for Approval of FLSA Settlement ([Doc. 23](#)) and dismissing with prejudice all claims Plaintiff Noel Alvarez asserts in this case. Neither party objects to the Report and Recommendation. ([Doc. 25](#)).

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

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

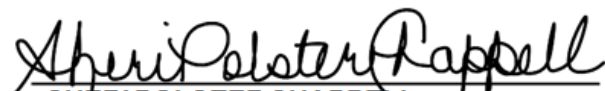
After examining the file independently, and upon considering Judge Miranda's findings and recommendations, the Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

ORDERED:

- (1) United States Magistrate Judge Carol Miranda's Report and Recommendation (Doc .24) is **ACCEPTED** and **ADOPTED** and the findings incorporated herein.
- (2) The Second Joint Motion for Approval of FLSA Settlement ([Doc. 23](#)) is **GRANTED** and the Settlement Agreement ([Doc. 23-1](#)) is **APPROVED** as a fair and reasonable resolution of the bona fide dispute under the Fair Labor Standards Act.
- (3) The above-captioned case is action is **DISMISSED WITH PREJUDICE**.
- (4) The Clerk is **DIRECTED** to enter judgment, terminate any pending deadlines and motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 10th day of October 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record