

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JOHN L. MILANO,

Plaintiff,

-vs-

Case No. 3:18-cv-598-J-34JBT

TD BANK USA, N.A.,

Defendant.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 24; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on June 13, 2018. In the Report, Judge Toomey recommends that this case be dismissed with prejudice.¹ See Report at 1. On June 25, 2018, Plaintiff filed a Motion to Correct Clerical Errors (Dkt. No. 26; Motion). In the Motion, he does not object to the dismissal of this action, but rather expresses concern regarding the inclusion of references to another case in the Report and Clerk's Minutes. As relief, he seeks the entry of a corrected Report. Upon review, the Court determines that such relief is unnecessary. The Magistrate Judge simply referenced the other case in the Report because at the hearing both this case and Plaintiff's other case were discussed. However, the Report recommended no action as to the other case and has no impact on that case. Therefore, the Motion will be denied as moot.

¹ The Court notes that on June 12, 2018, Plaintiff filed an Amended Motion to Dismiss (Dkt. No. 25; Motion to Dismiss). However, this motion was filed before Plaintiff attended the hearing before Judge Toomey where he agreed to dismissal of this action with prejudice. Thus, the Motion to Dismiss will be terminated.

The Court “may accept, reject, or modify, in whole or in part, the finding or recommendations by the magistrate judge.” 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at *1 (M.D. Fla. May 14, 2007).

Upon independent review of the file and for the reasons stated in the Magistrate Judge’s Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge’s Report and Recommendation (Dkt. No. 24) is **ADOPTED** as the opinion of the Court.
2. This case is **DISMISSED with prejudice**.
3. Plaintiff’s Motion to Correct Clerical Errors (Dkt. No. 26) is **DENIED as MOOT**.
4. The Clerk of Court is directed to terminate all pending motions and deadlines as moot and close the file.

DONE AND ORDERED in Jacksonville, Florida, this 5th day of July, 2018.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Party