

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NICHOLAS STOLINAS,

Plaintiff,

v.

Case No: 2:18-cv-702-FtM-38MRM

WALTER PALMER,

Defendant.

OPINION AND ORDER¹

Before the Court is U.S. Magistrate Judge Mac R. McCoy's Report and Recommendation (R&R) ([Doc. 23](#)), recommending that Defendant Walter Palmer's Motion to Strike (Partially Unopposed) ([Doc. 15](#)) be granted in part and denied in part. No party has objected to the R&R, and the time to do so has elapsed. 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. 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 requirement that a district judge review factual findings *de novo*, [Garvey v. Vaughn](#), [993](#)

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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 considered the arguments made by the parties and determined that Palmer's request to strike Paragraph 8 of the Complaint, which relates to admiralty jurisdiction, should be denied because admiralty jurisdiction exists. Judge McCoy also recommends that Palmer's unopposed request to strike Plaintiff's prayer for relief in the form of attorney's fees be granted. After independently examining the file and on consideration of Judge McCoy's findings and recommendations, the Court accepts and adopts the R&R.

Accordingly, it is now **ORDERED**:

U.S. Magistrate Judge Mac R. McCoy's Report and Recommendation ([Doc. 23](#)) is **ACCEPTED and ADOPTED**.

(1) Defendant Walter Palmer's Motion to Strike (Partially Unopposed) ([Doc. 15](#)) is **GRANTED** as to Plaintiff's prayer for relief in the form of attorney's fees and **DENIED** as to Paragraph 8 of the Complaint.

(2) The language "attorney's fees as permitted" is **STRICKEN** from the prayer for relief on page 5 of the Complaint ([Doc. 1](#)).

DONE and ORDERED in Fort Myers, Florida this 20th day of February, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record