

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

AIMME JO STOREY,

Plaintiff,

v.

Case No.: 2:21-cv-293-SPC-NPM

CAPITAL LINK MANAGEMENT,
LLC,

Defendant.

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OPINION AND ORDER¹

Before the Court is Plaintiff's Motion for an Award of Costs and Attorneys' Fees ([Doc. 59](#)) and United States Magistrate Judge Nicolas P. Mizell's Report and Recommendation ([Doc. 72](#)). Judge Mizell recommends that Storey's Motion for Attorney's Fees be granted in part and denied in part and that the clerk should be directed to amend the judgment in favor of Storey to add an award of fees in the amount of \$26,020.75. ([Doc. 72](#)). No party objected, and the time to do so has expired. The 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, in whole or

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in part,” the magistrate judge’s Report and Recommendation. [28 U.S.C. § 636\(b\)\(1\)\(C\)](#). In the absence of specific objections, there is no requirement that a district judge review the Report and Recommendation de novo. See [Garvey v. Vaughn](#), 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don’t object, a district court need only correct plain error as demanded by the interests of justice. See, e.g., [Symonette v. V.A. Leasing Corp.](#), 648 F. App’x 787, 790 (11th Cir. 2016); [Thomas v. Arn](#), 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (3) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” [Farley v. Nationwide Mut. Ins.](#), 197 F.3d 1322, 1329 (11th Cir. 1999).

After careful consideration and an independent review of the case, the Court finds no plain error. It accepts and adopts the Report and Recommendation in full.

Accordingly, it is now


ORDERED:

1. United States Magistrate Judge Nicholas P. Mizell’s Report and Recommendation ([Doc. 72](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Plaintiff Storey’s Motion for an Award of Costs and Attorneys’ Fees ([Doc. 59](#)) is **GRANTED in part and DENIED in part**. The Court

grants the Motion to the extent that the Court will award fees for \$26,020.75.

3. The Clerk is **DIRECTED** to amend the judgment in favor of Plaintiff to add an award of fees in the amount of \$26,020.75.

DONE and **ORDERED** in Fort Myers, Florida on March 1, 2023.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record