

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

LIFE INSURANCE COMPANY OF
NORTH AMERICA,

Plaintiff,

v.

Case No. 3:23-cv-993-MMH-MCR

CINDY SUE RAINEY, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 44; Report), entered by the Honorable Monte C. Richardson, United States Magistrate Judge, on April 25, 2024. In the Report, Judge Richardson recommends that the Joint Motion to Disburse Funds to be Deposited in the Court Registry (Dkt. No. 43) be granted, and the Clerk of the Court be directed to disburse the funds once they are deposited into the Court's registry. See Report at 2. On April 26, 2024, Defendants filed a notice advising the Court that they do not have any objections to the Report. See Defendants' Joint Notice of Non-Objection and Waiver Regarding April 25, 2024 Report and Recommendation (Dkt. No. 45). On May 14, 2024, Plaintiff filed a notice advising the Court that the funds have now been deposited into the Court's registry. See Plaintiff's Notice of Compliance (Dkt. No. 49).

The Court “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). Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1). However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.¹ As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

¹ The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 1 n.1.

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. 44) is **ADOPTED** as the opinion of the Court.
2. The Joint Motion to Disburse Funds to be Deposited in the Court Registry (Dkt. No. 43) is **GRANTED**.
3. The Clerk of the Court is **DIRECTED** to disburse the funds, together with any interest accruing thereon through the date of disbursement, less any Court registry fees, to the Fisher Rushmer Trust Account, 200 E. Robinson Street, Suite 800, Orlando, Florida 32801-1993.

DONE AND ORDERED in Jacksonville, Florida, this 23rd day of May, 2024.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Finance