

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

MARK SWEET,

Plaintiff,

v.

Case No: 8:24-cv-00009-MSS-AEP

**MOTOROLA MOBILITY, LLC,
MOTOROLA SOLUTIONS, INC.,
MOTOROLA SOLUTIONS
CONNECTIVITY, INC.,**

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of Defendant Motorola Mobility, LLC's Unopposed Motion to Compel Arbitration and Stay Proceedings. (Dkt. 14) United States Magistrate Judge Anthony E. Porcelli has issued a Report and Recommendation, recommending Defendant's Motion be granted and the case be administratively closed and stayed pending arbitration. (Dkt. 15) The Parties have filed a Joint Notice of Non-Objection, asserting that neither party objects to the Report and Recommendation. (Dkt. 16)

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. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A 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.” 28 U.S.C. § 636(b)(1)(C). This requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 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., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 15), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. Defendant’s Unopposed Motion to Compel Arbitration and Stay Proceedings, (Dkt. 14), is **GRANTED**.
3. The proceeding is **STAYED** pending arbitration as to the claims between Plaintiff and Defendant.

4. The Clerk is **DIRECTED** to **TERMINATE** all motions pending before the Court and **ADMINISTRATIVELY CLOSE** this case.
5. The Parties shall have **fourteen (14) days** after the completion of arbitration to file a notice or appropriate motion advising the Court how and whether this case should proceed.

DONE and **ORDERED** in Tampa, Florida, this 4th day of October 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person