

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

NU IMAGE, INC.,

Plaintiff,

vs.

Case No. 2:11-cv-545-FtM-29SPC

DOES 1-3, 932,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #290), filed August 10, 2012, recommending that John Doe #1236's Amended Motion to Quash Subpoenas be granted as to the motion to quash and denied as premature as to the incorporated motion to dismiss. No objections have been filed and the time to do so has expired.

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 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). 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. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge that the subpoena is void.


Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #290) is hereby adopted and the findings incorporated herein.

2. John Doe #1236's Amended Motion to Quash Subpoenas (Doc. #284) is **GRANTED** as to the motion to quash and is otherwise **DENIED** as premature. The subpoena is quashed.

DONE AND ORDERED at Fort Myers, Florida, this 10th day of September, 2012.


JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Counsel of Record
Unrepresented parties
Pamela Nisperos