

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MALIBU MEDIA, LLC,

Plaintiff,

v.

Case No. 2:12-cv-425-FtM-99DNF

JOHN DOES 1-24,

Defendants.

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ORDER

This cause comes before the Court pursuant to the November 15, 2012, Report and Recommendation of Douglas N. Frazier, United States Magistrate Judge (Doc. # 15), in which Judge Frazier recommends that Defendant John Doe #5's Motion to Dismiss (Doc. # 9) be denied as premature and that John Doe #5's Motion for Protective Order, Motion to Quash, and Motion to Reconsider Its Order Granting Leave for Discovery (Doc. # 9) be denied. Judge Frazier also recommends that Plaintiff Malibu Media, LLC be required to notify John Doe #5, or his or her counsel if represented, of Plaintiff's intent to name and serve John Doe #5 at least fourteen days prior to seeking issuance of a summons from the Clerk for the identified John Doe #5 Defendant. (Doc. # 15 at 9).

As of this date, there are no objections to the Report and Recommendation, and the time for the parties to file such objections has elapsed.

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. S. 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).


After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of Judge Frazier and adopts the recommendation of Judge Frazier.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation of Douglas N. Frazier, United States Magistrate Judge (Doc. # 15), is **ACCEPTED** and **ADOPTED**.
- (2) Defendant John Doe #5's Motion to Dismiss (Doc. # 9) is **DENIED** as premature.
- (3) John Doe #5's Motion for Protective Order, Motion to Quash, and Motion to Reconsider Its Order Granting Leave for Discovery (Doc. # 9) are **DENIED**.
- (4) Plaintiff Malibu Media, LLC is directed to notify John Doe #5, or his or her counsel if represented, of Plaintiff's intent to name and serve John Doe #5 at least fourteen days prior to seeking issuance of a summons from the Clerk for the identified John Doe #5 Defendant.

DONE and **ORDERED** in Ft. Myers, Florida, this 5th day of December, 2012.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel and Parties of Record