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As of: January 13, 2021 8:01 PM Z

[Garcia v. Centex Real Estate Corp.](#)

United States District Court for the Middle District of Florida, Fort Myers Division

November 3, 2005, Decided; November 3, 2005, Filed

Case No. 2:05-cv-185-FtM-29DNF

Reporter

2005 U.S. Dist. LEXIS 62035 *

ROBERT GARCIA, Plaintiff, vs. CENTEX REAL ESTATE CORPORATION, a Florida corporation, as the Managing General Partner of Centex Homes, A Nevada General Partnership, Defendant.

Prior History: [Garcia v. Centex Real Estate Corp., 2005 U.S. Dist. LEXIS 62028 \(M.D. Fla., Oct. 4, 2005\)](#)

Core Terms

report and recommendation, district judge, findings and recommendations, defense motion, de novo, conducting, modify

Counsel: [*1] For Robert Garcia, Plaintiff: John F. Hooley, LEAD ATTORNEY, Law Offices of John F. Hooley, Naples, FL.

For Centex Real Estate Corporation, a Florida corporation, as the Managing General Partner of Centex Homes, a Nevada General Partnership, Defendant: Richard Thomas Petitt, LEAD ATTORNEY, Petitt Worrell Rocha Sheppard PLLC, Tampa, FL; Adam M. Wolfe, Wolfe Law Tampa PLLC, Tampa, FL.

For Centex Real Estate Corporation, a Florida

corporation, as the Managing General Partner of Centex Homes, a Nevada General Partnership, Counter Claimant: Adam M. Wolfe, Wolfe Law Tampa PLLC, Tampa, FL.

Judges: JOHN E. STEELE, United States District Judge.

Opinion by: JOHN E. STEELE

Opinion

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #46), filed October 4, 2005, recommending that defendant's Motion to Compel Arbitration (Doc. #3) be denied. 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 [*2] 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.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation is hereby **accepted** and defendant's Motion to Compel Arbitration (Doc. #3) is **DENIED**.
2. The parties shall submit a Joint Case Management Report within **TWENTY (20) DAYS** of this Opinion and Order.

DONE AND ORDERED at Fort Myers, Florida, this 3d day of November, 2005.

/s/ John E. Steele

JOHN E. STEELE

United States District Judge