

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 01-801-CIV-MOORE

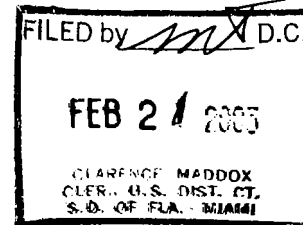
JORGE AND SUSAN GARCIA, NELSON RUIZ
and OSVALDO E. CUELI,¹

Plaintiffs,

vs.

UNITED STATES OF AMERICA, U.S. ARMY
CORPS OF ENGINEERS, and JOSEPH W.
WESTPHAL, Assistant Secretary of Army (Civil
Works), in his official capacity,

Defendants.



ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION

THIS CAUSE came before the Court upon Plaintiffs' Motion for Attorney's Fees and to Tax Costs Against Defendants (**DE # 66**).

THE MATTER was referred to the Honorable John J. O'Sullivan, United States Magistrate. A Report and Recommendation dated January 23, 2003 has been filed, recommending that Plaintiffs' Motion be denied. Plaintiffs filed objections to the Magistrate's Report and Recommendation on February 3, 2003. The Federal Defendants filed a response to Plaintiffs' objections to the Magistrate's Report and Recommendation on February 12, 2003.

After due and proper consideration of all portions of this file deemed relevant to the issues raised and a *de novo* determination of those portions of the recommendation to which objection is made, the recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated January 23, 2003, is **ADOPTED** as the opinion of this Court. Accordingly, the Plaintiff's objections are **OVERRULED**.

ORDERED AND ADJUDGED that United States Magistrate Judge John J. O'Sullivan's

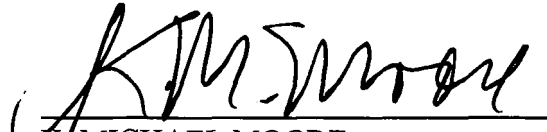
¹ During argument before Magistrate Judge John J. O'Sullivan, counsel for the Plaintiffs announced that Osvaldo E. Cueli is the sole remaining plaintiff in the matter.

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Report and Recommendation of January 23, 2003 be, and the same is, hereby **ADOPTED** in its entirety.

FURTHER ORDERED and based thereon, that Plaintiffs' Motion is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 26th day of February, 2003.


K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

copies provided:
U.S. Magistrate Judge John J. O'Sullivan
All counsel of record