

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOHAN SEBASTIAN ALZAT CALIXTO,

Petitioner,

v.

Case No. 8:17-cv-2100-T-33JSS

HADYLLE YUSUF LESMES,

Respondent.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Julie S. Sneed's Report and Recommendation (Doc. # 49), filed on October 19, 2017, recommending that Petitioner Johan Sebastian Alzat Calixto's Verified Petition for Return of the Child to Colombia (Doc. # 6) be denied. Petitioner filed a timely objection to the Report and Recommendation (Doc. # 50) on October 30, 2017. Respondent Hadylle Yusuf Lesmes filed a Response to the Objection on November 7, 2017. (Doc. # 51). As stated below, the Court adopts the Report and Recommendation of the Magistrate Judge and overrules the filed objection.

Discussion

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). 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).

The record reflects that the Magistrate Judge conducted a two-day evidentiary hearing and considered trial briefs, among other documents, before issuing her Report and Recommendation. Her Report and Recommendation thoroughly and thoughtfully addresses the issues presented and leaves no stone unturned. She ultimately concluded "Because the United States, not Colombia, is M.A.Y.'s habitual residence, Petitioner cannot establish a prima facie case of Respondent's wrongful retention of M.A.Y." (Doc. # 49 at 13). 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 the Magistrate Judge and the recommendation of the Magistrate Judge. The Report and Recommendation thoughtfully addresses the issues presented, and Petitioner's arguments raised in his objection do not provide a basis for rejecting any aspect of the Report and Recommendation.

Prior to resolving this case, the Court ordered Respondent to surrender her passport as well as M.A.Y.'s passport to the Clerk's office. (Doc. # 35). Having determined that it is appropriate to deny the Petition, the Court directs the Clerk to return the passports to Respondent. Respondent shall come to the United States Courthouse by **December 1, 2017**, to obtain the passports. Respondent should bring her Driver's License and a copy of this Order with her and present these documents to the Clerk in order to receive the passports.

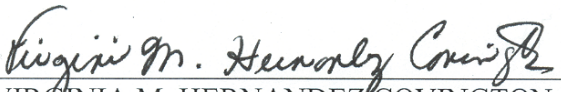
Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 49) is **ACCEPTED** and **ADOPTED**.
- (2) Petitioner's Objection to the Report and Recommendation (Doc. # 50) is **OVERRULED**.

- (3) Petitioner's Verified Petition for Return of the Child to Colombia (Doc. # 6) is **DENIED**.
- (4) Respond shall come to the United States Courthouse by **December 1, 2017**, to retrieve her passport, as well as M.A.Y.'s passport. The Clerk is directed to furnish the passports to Respondent upon Respondent's presenting her Driver's License and a copy of this Order.
- (5) The Clerk shall close the case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 8th day of November, 2017.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE