

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JENNIFER ALEXIS FREES,

Plaintiff,

vs.

Case No. 2:09-cv-476-FtM-29SPC

PAUL KIERNAN; JOHN S. HEIM;  
CHARLOTTE HUGGINS; BEVERLY WOODS  
Commissioner; DOES 1-10,

Defendants.

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**OPINION AND ORDER**

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #7), filed September 28, 2009, recommending that plaintiff's Affidavit of Indigency (Doc. #2), construed as a motion to proceed *in forma pauperis*, be denied and the case be dismissed for failure to state a claim and for lack of jurisdiction.

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 and finds that jurisdiction is not proper in the State of Florida and the allegations are insufficient to state a plausible cause of action.

Accordingly, it is now

**ORDERED:**


1. The Report and Recommendation (Doc. #7) is hereby **adopted** and the findings incorporated herein.

2. The Affidavit of Indigency (Doc. #2), construed as a motion to proceed *in forma pauperis*, is **DENIED** and the Verified Complaint (Doc. #1) is dismissed without prejudice for lack of jurisdiction and for failure to state a claim.

3. The Clerk shall enter judgment dismissing the case without prejudice for lack of jurisdiction and for failure to state a

claim, terminate all deadlines and motions as moot, and close the file.

**DONE AND ORDERED** at Fort Myers, Florida, this 19th day of October, 2009.

  
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**JOHN E. STEELE**  
United States District Judge

Copies:  
Hon. Sheri Polster Chappell  
United States Magistrate Judge

Counsel of Record  
Unrepresented parties