

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DARYL SHARP, Ambassador and
representative of the Living
God Jehovah,

Plaintiff,

v.

Case No: 2:17-cv-341-FtM-99MRM

TIMOTHY DOLAN, Archbishop
and the leaders of the U.S.
Conference of Catholic
Bishops,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #6), filed June 27, 2017, recommending that that the motion to proceed *in forma pauperis* be denied and the case dismissed. No valid objections have been filed and the time to file objections has expired.

The Court notes that plaintiff filed various documents after the issuance of the Report and Recommendation, however none of the documents are responsive or could be construed as an objection. One includes 56 pages as follows: a docket sheet from a District of Columbia case filed by plaintiff against Timothy Dolan and the Leaders of the U.S. Conference of Catholic Bishops; a letter by plaintiff to an unknown person or entity; a filing made with the Clerk of the Supreme Court of the United States; various statements

by plaintiff on congressional letterhead of Congressman Tom Price; directives for briefing from the District of Columbia Circuit Court; plaintiff's motion for summary judgment and exhibits presented to the appellate court; and the Memorandum Opinion by a District Judge in the District of Columbia, dated January 3, 2017, dismissing plaintiff's case with prejudice. (Doc. #7.) The second set of documents, consisting of 51 pages, includes many of the same filings as the first set, as well as plaintiff's library card for the Library of Congress; the cover of a Guide published by Homeland Security, and plaintiff's confirmed registration for a summit by email; a criminal Information charging plaintiff with assaulting and threatening Goodwin Osedel in a menacing manner with hand-written notations on it; a criminal Information charging plaintiff with unlawfully entering or attempting to enter the Basilica of the National Shrine of the Immaculate Conception with hand-written notes on it; a Prince George County (District Court of Maryland) Trial Summary where charges were *nolle prosequi*; and a City of Alexandria, Virginia Not Trespassing/Barrment Notice barring entry by plaintiff to Kingdom Hall. (Doc. #8.) A third set of 56 pages, filed on July 17, 2017, consists of copies of the same docket sheet from the District of Columbia and previously filed documents. (Doc. #9.)

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). 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).

The Complaint bears "in the Supreme Court of the United States", but was filed in the Middle District of Florida Fort Myers Division. Plaintiff is not a resident of Florida, and neither are the identified defendants. There is no basis for jurisdiction or venue articulated in the Complaint (Doc. #1), which seeks the imposition of criminal charges against defendants. 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. As the Complaint in this case is a duplicate of the Complaint filed in the District of Columbia, which was dismissed with prejudice as

frivolous, the Court will also dismiss this case with prejudice.
See Sharp v. Dolan, 1:17-cv-15-UA, Doc. #1 (D.D.C. Jan. 4, 2017).

Accordingly, it is now


ORDERED:

1. The Report and Recommendation (Doc. #6) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's nonnotarized Affidavit of Indigency (Doc. #2), construed as a motion to proceed *in forma pauperis*, is **DENIED**.

3. The Clerk shall enter judgment dismissing the case with prejudice, terminate all pending motions and deadlines, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 19th day of July, 2017.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties