

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THADDEUS BOSTON,

Plaintiff,

vs.

Case No. 2:10-cv-557-FtM-29SPC

CHARLOTTE COUNTY SHERIFF'S OFFICE,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #8), filed October 20, 2010, recommending that the Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. #2) be denied and the case dismissed. 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 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).

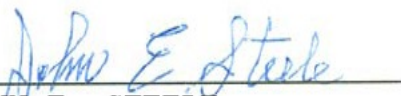
Plaintiff was provided an opportunity to file an Amended Complaint and failed to do so. After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #8) is hereby **adopted**.
2. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. #2) is **DENIED** and the case is **dismissed without prejudice**.
3. The Clerk shall enter judgment dismissing the case without prejudice, terminate all deadlines, and close the file.

DONE AND ORDERED at Fort Myers, Florida, this 8th day of November, 2010.



JOHN E. STEELE
United States District Judge

Copies:
Hon. Sheri Polster Chappell
United States Magistrate Judge

Plaintiff