

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ALBERT ROBINSON,

Plaintiff,

v.

Case No: 2:15-cv-242-FtM-38DNF

DAVID KEITH OAKS, LISA SPADER
PORTER and SECTION 23,
PROPERTY OWNER'S
ASSOCIATION, INC.,

Defendants.

ORDER¹

This matter comes before the Court on consideration of the Magistrate Judge's Report and Recommendation ([Doc. #8](#)), filed on May 1, 2015, recommending Plaintiff's Affidavit of Indigency ([Doc. #2](#)) be denied and this action be dismissed. Plaintiff filed an objection to the Report and Recommendation on May 12, 2015. ([Doc. #14](#)). This matter is now ripe for review.

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.](#)

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[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, the Court agrees with the Report and Recommendation full heartedly. That is, Plaintiff's Complaint is frivolous because objections to state court injunctions do not arise to a cause of action in federal court and Judge Porter is entitled to immunity. This is true despite Plaintiff's objection. As such, the Court accepts the Report and Recommendation of the Magistrate Judge.

Accordingly, it is now

ORDERED:

1. Report and Recommendation ([Doc. #8](#)) is **ACCEPTED and ADOPTED** and the findings incorporated herein.
2. Plaintiff's Affidavit of Indigency ([Doc. #2](#)) is **DENIED** and this action is **DISMISSED**.
3. The Clerk is directed to deny any pending motions as moot, enter judgment, and close the file.

DONE and ORDERED in Fort Myers, Florida this 3rd day of June, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record