

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICHARD OF THE FAMILY
ALBRIGHT, (Man) injured
party,

Plaintiff,

v.

Case No: 2:16-cv-828-FtM-29MRM

DEPARTMENT OF REVENUE OF THE
STATE OF FLORIDA, 42 U.S.C.
654(3) IV-D agency and the
45 CFR 302.34 contractors
thereof offenders,

Defendant.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #6), filed May 15, 2017, recommending that plaintiff's Demand for Dismissal for Lack of IV-D Jurisdiction (Doc. #1) be dismissed for failure to prosecute. 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). 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 noting that plaintiff failed to comply with orders to amend, and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

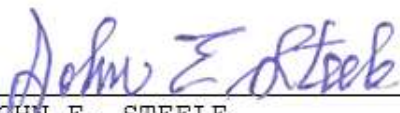
ORDERED:

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

2. Plaintiff's Affidavit of Indigency (Doc. #2) is **DENIED as moot**.

3. The Clerk shall enter judgment dismissing the case without prejudice for failure to prosecute, terminate all pending motions and deadlines, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 6th day of June, 2017.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:

Hon. Mac R. McCoy
United States Magistrate Judge

Counsel of Record
Unrepresented parties