

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROBERT JOSEPH GRILLS, JR. ,

Plaintiff,

v.

Case No.: 2:19-cv-460-FtM-38NPM

THE STATE OF FLORIDA,

Defendant.

ORDER¹

Before the Court is United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation (R&R) ([Doc. 12](#)), recommending that the Court dismiss Plaintiff Robert Joseph Grills, Jr.'s Complaint ([Doc. 1](#)). No party has objected to the R&R, and the period to do so has lapsed. This matter is ripe for review.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's report and recommendation. [28 U.S.C. § 636\(b\)\(1\)](#); [Williams v. Wainwright](#), 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings de novo, and the court may accept, reject or modify the findings in whole or in part. [28 U.S.C. § 636\(b\)\(1\)](#); [Garvey v. Vaughn](#), 993 F.2d 776,

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779 n.9 (11th Cir. 1993). The district judge reviews legal conclusions de novo, even in the absence of an objection. [Cooper-Houston v. Southern Ry. Co.](#), 37 F.3d 603, 604 (11th Cir. 1994).

When Grills filed this case, he also filed an Affidavit of Indigency, seeking to proceed in forma pauperis. ([Doc. 2](#)). Judge Mizell reviewed the Complaint under [28 U.S.C. § 1915\(e\)\(2\)\(B\)](#) and found that it did not comply with [Federal Rule of Civil Procedure 8](#), even under the less stringent standard applied to pro se litigants. ([Doc. 8](#)). Judge Mizell gave Grills until August 8, 2019, to file an amended complaint. When Grills missed the deadline, Judge Mizell ordered him to show cause why his Complaint should not be dismissed by August 23, 2019. ([Doc. 10](#)). Delivery of that order was delayed, so Judge Mizell extended the deadline to September 17, 2019. ([Doc. 11](#)). Grills has not filed an amended complaint or otherwise responded to Judge Mizell's orders. Judge Mizell finds bad faith in Grills' noncompliance and recommends that the Court dismiss his Complaint.


After conducting an independent examination of the file and on consideration of Judge Mizell's findings and recommendations, the Court accepts and adopts the R&R.

Accordingly, it is now

ORDERED:

- (1) United States Magistrate Judge Nicholas P. Mizell's Report and Recommendation (R&R) ([Doc. 12](#)) is **ACCEPTED and ADOPTED**.
- (2) Plaintiff Robert Joseph Grills, Jr.'s Complaint ([Doc. 1](#)) is **DISMISSED**.
- (3) The Clerk is directed to enter judgment, terminate all pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 7th day of October, 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record