

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

SUSAN HERBERT,

Plaintiff,

vs.

Case No. 3:08-cv-1201-J-34MCR

UNITED STATES OF AMERICA, et al.,

Defendants.

ORDER¹

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 4; Report), entered by the Honorable Monte C. Richardson, United States Magistrate Judge, on December 19, 2008. In the Report, Magistrate Judge Richardson recommended that the Court deny Plaintiff's Motion to Proceed In Forma Pauperis and that the Complaint be dismissed without prejudice. See Report at 3. On December 30, 2008, Plaintiff filed objections to the Report and Recommendation. See Objection to the Report and Recommendation to Dismiss (Dkt. No. 5; Objections).

The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions

¹ This is a "written opinion" under § 205(a)(5) of the E-Government Act and therefore is available electronically. However, it has been entered only to decide the motions addressed herein and is not intended for official publication or to serve as precedent.

de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at * 1 (M.D. Fla. May 14, 2007). Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will overrule the Objections and accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. Plaintiff's Objections to the Report and Recommendation, set forth in Objection to the Report and Recommendation to Dismiss (Dkt. No. 5) are **OVERRULED**.

2. The Magistrate Judge's Report and Recommendation (Dkt. No. 4) is **ADOPTED** as the opinion of the Court.

3. Plaintiff's Motion to Proceed In Forma Pauperis (Dkt. No. 2) is **DENIED**.

4. This case is **DISMISSED WITHOUT PREJUDICE**.

5. The Clerk of the Court is directed to enter judgment dismissing the case without prejudice, terminate any pending motions or deadlines as moot, and close this file.

DONE AND ORDERED at Jacksonville, Florida, this 20th day of January, 2009.


MARCIA MORALES HOWARD
United States District Judge

ja
Copies to:
Counsel of Record
Pro Se Plaintiff