

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

UNITED STATES OF AMERICA
for the use and benefit of GREGORY
DAVIS,

Plaintiff,

vs.

Case No. 3:08-cv-1211-J-34TEM

FIDELITY INVESTMENTS, et al.,

Defendants.

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ORDER¹

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 11; Report), entered by the Honorable Thomas E. Morris, United States Magistrate Judge, on May 19, 2009. In the Report, Magistrate Judge Morris recommended that the Court deny Plaintiff's Motion to Proceed In Forma Pauperis and that the Complaint be dismissed. See Report at 8. Plaintiff has failed to file objections to the Report, and the time for doing so has now passed.

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 issues 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 accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 11) is **ADOPTED** as the opinion of the Court.

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

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

4. 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 19th day of June, 2009.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:
Counsel of Record
Pro Se Plaintiff