

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

JOHN F. PULLINS,

Plaintiff,

vs.

Case No. 3:12-cv-986-J-34JRK

CYNTHIA D. BRITTON, an individual, et al.,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 9; Report), entered by the Honorable James R. Klindt, United States Magistrate Judge, on December 11, 2012. In the Report, Magistrate Judge Klindt recommends that the Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Dkt. No. 2), which the Court construes as a Motion to Proceed In Forma Pauperis, be denied, that this matter be dismissed without prejudice, and that the Clerk of the Court be directed to close the file. See Report at 5. On December 28, 2012, Plaintiff filed his Objections to Report and Recommendation (Dkt. No. 10; 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 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 Report and Recommendation (Dkt. No. 10) are **OVERRULED**.

2. The Magistrate Judge's Report and Recommendation (Dkt. No. 9) is **ADOPTED**.

3. The Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Dkt. No. 2), which the Court construes as a Motion to Proceed In Forma Pauperis, is **DENIED**.

4. This case is **DISMISSED without prejudice** pursuant to 28 U.S.C. § 1915(e)(2)(B).

5. The Clerk of the Court is directed to enter judgment dismissing the case, terminate any pending motions or deadlines as moot, and close this file.

**DONE AND ORDERED** at Jacksonville, Florida, this 3rd day of January, 2013.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record  
Pro Se Plaintiff