

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

RENZER BELL,

Plaintiff,

vs.

Case No. 3:13-cv-479-J-34JBT

ALFRED CHAMBLISS, et al.,

Defendants.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 190; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on September 14, 2016. In the Report, Magistrate Judge Toomey recommends that 1.) Defendants Williams and Kitchings' Motion to Dismiss Second Amended Complaint (Dkt. No. 165) be granted to the extent that the federal claims against Williams and Kitchings in the Second Amended Complaint be dismissed with prejudice; 2.) Plaintiff's Motion to Amend (Dkt. No. 180) be denied; 3.) Plaintiff be directed to show cause why the federal claims against the remaining Defendants, including the defaulted Defendants, should not be dismissed with prejudice; and 4.) if cause is not shown, then the federal claims against the remaining Defendants be dismissed with prejudice, and any State claims against all Defendants be dismissed without prejudice to refiling in State court. See Report at 2, 13-14. Despite being granted three lengthy extensions of time to file objections and being advised that no further extensions would be granted, see Orders (Dkt. Nos. 196, 200, 204), Plaintiff has failed to file objections to the Report.

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 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. 190) is **ADOPTED** as the opinion of the Court.

2. Defendants Williams and Kitchings’ Motion to Dismiss Second Amended Complaint (Dkt. No. 165) is **GRANTED** to the extent that the federal claims against Defendants Williams and Kitchings in the Second Amended Complaint are **DISMISSED with prejudice**.

3. Plaintiff’s Motion to Amend (Dkt. No. 180) is **DENIED**.

4. Plaintiff shall show cause by a written response filed no later than **February 27, 2017**, why the federal claims against the remaining Defendants, including the defaulted Defendants, should not be dismissed with prejudice. If cause is not shown, the federal

claims against the remaining Defendants will be dismissed with prejudice, and any State claims against all Defendants will be dismissed without prejudice to refile in State court.

DONE AND ORDERED in Jacksonville, Florida, this 7th day of February, 2017.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record

Pro Se Parties