

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

CARLOS LAMON THOMAS,

Plaintiff,

v.

Case No. 3:14-cv-961-J-34MCR

RONNIE FUSSELL, Duval County Clerk of
Courts, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 8; Report), entered by the Honorable Monte C. Richardson, United States Magistrate Judge, on September 8, 2014. In the Report, Judge Richardson recommends that Plaintiff's Affidavit of Indigency (Dkt. No. 2), construed as an application to proceed in forma pauperis, be denied and that this case be dismissed for failure to state a claim on which relief may be granted. See Report at 4. Plaintiff has failed to file objections to the Report, and the time for doing so has now passed.¹

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 fact are filed, the district court is not required to conduct a de novo

¹ Rather than filing an objection to the Report, Plaintiff filed a Motion for Leave to Amend (Dkt. No. 9), which Judge Richardson denied. See Order (Dkt. No. 11). Upon review of the proposed Second Amended Complaint, the Court concurs with Judge Richardson's assessment that granting Plaintiff leave to file an amended complaint would be futile.

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

2. Plaintiff's Affidavit of Indigency (Dkt. No. 2), which this Court construes as an application to proceed in forma pauperis, is **DENIED**.

3. This case is **DISMISSED without prejudice** for failure to state a claim on which relief may be granted.

4. The Clerk of the Court is directed to terminate all pending motions and deadlines as moot and close the file.

DONE AND ORDERED at Jacksonville, Florida, this 8th day of October, 2014.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

The Honorable Monte C. Richardson
United States Magistrate Judge

Counsel of Record

Pro Se Party