

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

KINNARD HAYWOOD,

Plaintiff,

vs.

Case No. 3:16-cv-930-J-34JBT

NORTHEAST FLORIDA STATE
HOSPITAL, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 8; Report), entered by the Honorable Joel B. Toomey, United States Magistrate Judge, on October 4, 2016. In the Report, Judge Toomey recommends that Plaintiff's Affidavit of Indigency (Dkt. No. 2), which the Court construes as a Motion to Proceed *In Forma Pauperis*, be denied and that this case be dismissed without prejudice. See Report at 2. 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 fact 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. 8) is **ADOPTED** as the opinion of the Court.
2. Plaintiff's Affidavit of Indigency (Dkt. No. 2), which the Court construes as a Motion to Proceed *In Forma Pauperis*, is **DENIED**.
3. This case is **DISMISSED without prejudice**.
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 2nd day of November, 2016.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record

Pro Se Party