

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

LEONARDO SIMPKINS,

Plaintiff,

v.

Case No. 3:17-cv-148-J-34PDB

DIAN ANDREWS, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report & Recommendation (Dkt. No. 7; Report), entered by the Honorable Patricia D. Barksdale, United States Magistrate Judge, on August 9, 2017. In the Report, Judge Barksdale recommends that the Complaint be dismissed without prejudice, Plaintiff's motion for leave to proceed in forma pauperis be denied, Plaintiff's motions to amend be denied, and Plaintiff's motion for appointment of counsel be denied. See Report at 19-20. On August 23, 2017, with the benefit of the mailbox rule,¹ Plaintiff submitted his Motion of Objection(s) to Defendant's Report and Recommendation (Dkt. No. 8; Objection).

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

¹ See Houston v. Lack, 487 U.S. 266, 276 (1988) (filing is accomplished by delivering the document to prison authorities for delivery to the clerk).

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 review of the Objection, the Court observes that Plaintiff has stated his general disagreement with the Magistrate Judge's Report. However, he has not identified any error in the analysis or the findings. More importantly, the Court is of the view that the Magistrate Judge's assessment of Plaintiff's abilities and the deficiencies of his unmanageable and almost indecipherable complaint is quite accurate. As such, 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. Plaintiff's Motion of Objection(s) to Defendant's Report and Recommendation (Dkt. No. 8) is **OVERRULED**.
2. The Magistrate Judge's Report & Recommendation (Dkt. No. 7) is **ADOPTED** as the opinion of the Court.
3. Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED** as frivolous to the extent Plaintiff claims the Defendants poisoned or contaminated his food, and **without prejudice** to filing a new complaint that complies with the pleading requirements as to any other claims.
4. Plaintiff's Motion for Leave to Proceed In Forma Pauperis (Dkt. No. 3) is **DENIED**.

5. Plaintiff's Motions for Leave to File an Amended Complaint (Dkt. Nos. 5, 6) are **DENIED**.
6. Plaintiff's Motion for Appointment of Counsel (Dkt. No. 2) is **DENIED**.
7. The Clerk of the Court is directed to terminate all pending motions and deadlines as moot and close the file.

DONE AND ORDERED in Jacksonville, Florida this 6th day of September, 2017.


MARCIA MORALES HOWARD
United States District Judge

ja

Copies to:

Counsel of Record

Leonardo Simpkins
U36009
Florida State Prison
P.O. Box 800
Raiford, FL 32083