

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

**RANDALL LAMONT ROLLE,**

**Plaintiff,**

**v.**

**Case No: 5:15-cv-192-Oc-22PRL**

**UNITED STATES MARSHALS  
SERVICE,**

**Defendant.**

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**ORDER**

This cause comes before the Court on Plaintiff Randall Lamont Rolle’s (“Rolle”) Objection (Doc. No. 6) to the Magistrate Judge’s Report and Recommendation (R&R) (Doc. No. 5) that his Motion for Leave to Proceed *in forma pauperis* (the “IFP Motion”) (Doc. No. 2) be denied and his case dismissed as frivolous.

District courts review *de novo* any portion of a magistrate judge’s disposition of a dispositive motion to which a party has properly objected. Fed. R. Civ. P. 72(b)(3); *Ekokotu v. Fed. Express Corp.*, 408 F. App’x 331, 336 n.3 (11th Cir. 2011) (per curiam).<sup>1</sup> The district judge may reject, modify, or accept in whole or in part the magistrate judge’s recommended disposition, among other options. Fed. R. Civ. P. 72(b)(3). *De novo* review of a magistrate judge’s findings of fact must be “independent and based upon the record before the court.” *LoConte v. Dugger*, 847 F.2d 745, 750 (11th Cir. 1988). The district court “need only satisfy itself that there is no clear error on the face of the record” in order to affirm a portion of the Magistrate Judge’s

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<sup>1</sup> Unpublished Eleventh Circuit cases are persuasive, but not binding.


recommendation to which there is no timely objection. Fed. R. Civ. P. 72 advisory committee's note (1983).

Rolle's Complaint is hardly a model of clarity, but its genesis appears to be a search of his home conducted pursuant to a warrant by a U.S. Marshals Service Task Force in 2002. The R&R recommended that the IFP Motion be denied because Rolle's claims are barred by res judicata and the applicable statute of limitations. Having extensively reviewed the factual allegations and relevant law in this matter, the Court agrees. Rolle admits that the Eleventh Circuit previously ruled against him on the same allegations he presents in the instant Complaint. Even if it had not, Rolle's claims come nearly ten years too late, as the statute of limitations would have run sometime in 2006. This action is frivolous, and neither the Complaint nor the Objection suggests that Rolle has any cognizable claim to relief.

Based on the foregoing, it is ordered as follows:

1. Plaintiff Randall Lamont Rolle's Objection (Doc. No. 6) to the Magistrate Judge's Report and Recommendation are **OVERRULED**. The Magistrate Judge's Report and Recommendation (Doc. No. 5) is **ADOPTED and CONFIRMED** and made a part of this Order.
2. Plaintiff's construed Motion for Leave to Proceed *in forma pauperis* (Doc. No. 2) is **DENIED**.
3. Plaintiff's Complaint (Doc. No. 1) is **DISMISSED** as frivolous.
4. All remaining pending Motions are **DENIED** as moot.

**DONE** and **ORDERED** in Chambers, in Orlando, Florida on July 20, 2015.

  
ANNE C. CONWAY  
United States District Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties