

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

NOBLE SHEKEM DAAWUUD EL  
AMEN RA BEY,

Plaintiff,

v.

Case No.: 6:11-cv-1180-Orl-35DAB

ZURICH NORTH AMERICA, ET AL.,

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of Plaintiff's Motion to Proceed in Forma Pauperis (Dkt. 2). On August 23, 2011, United States Magistrate Judge David A. Baker issued a Report and Recommendation (Dkt. 3) recommending that the Motion be denied and that the complaint be dismissed. Neither party filed an objection, and the deadline to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b) (1); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b) (1) (C). This requires that the district judge "give fresh consideration to those issues to which

specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir.1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b) (1) (C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court **ORDERS** that

1. The Report and Recommendation is **CONFIRMED** and **ADOPTED** as part of this Order;
2. Plaintiffs Motion to Proceed in Forma Pauperis (Dkt. 2) is **DENIED**;
3. The Complaint (Dkt.1) is **DISMISSED** without Prejudice.
4. Plaintiff shall have **fourteen (14)** days within which to file an amended complaint that cures the deficiencies identified in the Report and Recommendation. Failure to do so will result in dismissal of this action with prejudice without further notice.

**DONE** and **ORDERED** in Orlando, Florida, this 4th day of September 2011.



MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel of Record  
Unrepresented Parties