

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ARLENE JOHNSON,

Plaintiff,

v.

Case No. 8:09-cv-1202-T-33TBM

MARGARET CARTER and ST.  
PETERSBURG COLLEGE,

Defendants.

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**ORDER**

This matter is before the Court on consideration of United States Magistrate Judge Thomas B. McCoun, III's Report and Recommendation (Doc. # 4), entered on July 21, 2009, recommending that Plaintiff's complaint be dismissed with leave to amend and further recommending that Plaintiff's construed motion for leave to proceed *in forma pauperis* be denied without prejudice.

As of this date, there are no objections to the report and recommendation, and the time for the parties to file such objections has elapsed.

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 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). 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. S. Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge and the recommendation of the magistrate judge.

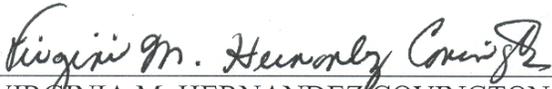
Accordingly, it is now

**ORDERED, ADJUDGED, and DECREED:**

1. United States Magistrate Judge Thomas B. McCoun, III's Report and Recommendation (Doc. # 4) is **ACCEPTED** and **ADOPTED**.
2. Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**. Plaintiff may file an amended complaint within twenty days of the date of this Order.
3. Plaintiff's construed motion for leave to proceed *in*

*forma pauperis* is **DENIED WITHOUT PREJUDICE.**

**DONE** and **ORDERED** in Fort Myers, Florida, this 12th day of August, 2009.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies:

All Counsel and Parties of Record