

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MICHAEL C. WILLIAMSON,

Plaintiff,

v.

Case No. 8:11-cv-439-T-33EAJ

KB HOME, et al.,

Defendants.

ORDER

This matter is before the Court on consideration of United States Magistrate Judge Elizabeth A. Jenkins' Report and Recommendation (Doc. # 3), entered on March 17, 2011, recommending that the Plaintiff be granted an opportunity to file an amended complaint and that Plaintiff's Motion for Leave to Proceed In Forma Pauperis (Doc. # 2) be denied without prejudice. Plaintiff has not filed any objections thereto.

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. Southern 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 Elizabeth A. Jenkins' Report and Recommendation (Doc. # 3) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's complaint (Doc. # 1) is dismissed without prejudice. Plaintiff may file an amended complaint by **April 18, 2011**. Failure to timely file an amended complaint may result in dismissal of this matter without

further notice.

- (3) Plaintiff's Motion to Proceed In Forma Pauperis (Doc. # 2) is **DENIED without prejudice.**

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 1st day of April, 2011.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies to:

All Parties and Counsel of Record