

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FREEMAN LAURINE SUE  
OF FAMILY ARNOLD,

Plaintiff,

v.

Case No. 8:12-cv-318-MSS-TGW

J. DAVID WALSH, et al.,

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court for consideration upon the Plaintiff's Application to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915. (Dkt. 2) On February 27, 2012, United States Magistrate Judge Thomas G. Wilson issued a Report and Recommendation, recommending that the Plaintiff's "complaint be dismissed and the Motion to Proceed In Forma Pauperis . . . be deferred pending an opportunity for the plaintiff to file within 30 days a cognizable amended complaint that complies with the Federal Rules of Civil Procedure." (Dkt. 16) No objection was filed to the Report and Recommendation, and the deadline to do so has passed.

In the Eleventh Circuit, a district judge may accept, reject or modify the magistrate judge's report and recommendation after conducting a careful and complete review of the findings and recommendations. 28 U.S.C. § 636(b)(1); See 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* 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); See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993). 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, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Dkt. 16) is **CONFIRMED** and **ADOPTED** as part of this Order;
2. The Plaintiff’s Complaint is **DISMISSED without prejudice**;
3. The Plaintiff’s Motion to Proceed In Forma Pauperis Pursuant to 28 U.S.C. § 1915 is **Deferred** pending an opportunity for the Plaintiff to file, within 30 days, a cognizable Amended Complaint that complies with the Federal Rules of Civil Procedure.

**DONE** and **ORDERED** in Tampa, Florida, this 16th day of March 2012.



MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel of Record  
Any unrepresented party