

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ABDULLAH RENALDO-BEY,

Plaintiff,

v.

Case No. 8:12-cv-2222-T-33TBM

D. ROSA, et al.,

Defendants.

/

ORDER

This cause comes before the Court pursuant to the October 23, 2012, Report and Recommendation of Thomas B. McCoun III, United States Magistrate Judge (Doc. # 7), in which Judge McCoun recommends that Plaintiff Abdullah Renaldo-Bey's construed motion to proceed *in forma pauperis* (Doc. # 2) be denied without prejudice and Plaintiff's Complaint (Doc. # 1) be dismissed. Additionally, Judge McCoun recommends that the Court grant Plaintiff permission to file -- within twenty days of this Order -- one additional Amended Complaint that clearly sets forth a cause of action cognizable in this Court and is consistent with the pleading requirements of the Federal Rules of Civil Procedure.

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 careful consideration, the Court adopts the Report and Recommendation of the Magistrate Judge.

Discussion

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). 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).

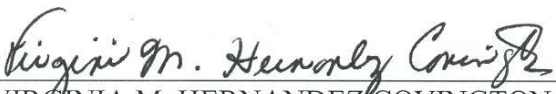
Upon due consideration of the entire record, the Court adopts the Report and Recommendation. The Court agrees with Judge McCoun's detailed and well-reasoned findings of fact and conclusions of law.

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation of Thomas B. McCoun III, United States Magistrate Judge (Doc. # 7) is **ACCEPTED AND ADOPTED**.
- (2) Plaintiff Abdullah Renaldo-Bey's construed motion to proceed *in forma pauperis* (Doc. # 2) is **DENIED** without prejudice.
- (3) Plaintiff Abdullah Renaldo-Bey's Complaint (Doc. # 1) is **DISMISSED** without prejudice. Plaintiff may file an Amended Complaint on or before December 10, 2012 that clearly sets forth a cause of action cognizable in this Court and is consistent with the pleading requirements of the Federal Rules of Civil Procedure.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 20th day of November, 2012.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel and Parties of Record