

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JASON M. RIVERA,

Plaintiff,

v.

Case No. 8:12-mc-27-T-33TBM

UNIVERSITY OF SOUTH FLORIDA,
OFFICE OF THE GENERAL COUNSEL,

Defendant.

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ORDER

This matter is before the Court on consideration of the report and recommendation of Thomas B. McCoun III, United States Magistrate Judge, (Doc. # 9) filed on May 15, 2012, recommending that Plaintiff's construed motion to proceed *in forma pauperis* (Doc. # 2) be denied, recommending that Plaintiff's construed Complaint (Doc. # 1) be dismissed, and recommending that Plaintiff be given an opportunity to file an Amended Complaint in 20 days.

No objections have been filed, and the time for the submission of objections 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 (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

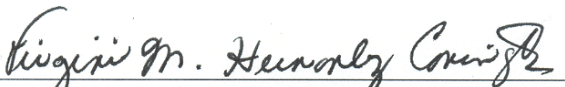
ORDERED, ADJUDGED, and DECREED:

- (1) The report and recommendation (Doc. # 9) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's construed motion for leave to proceed *in forma pauperis* (Doc. # 2) is **DENIED WITHOUT PREJUDICE**.

(3) Plaintiff's construed Complaint is **DISMISSED WITHOUT PREJUDICE**.

(4) Plaintiff is granted leave to file an Amended Complaint by June 25, 2012, failing which may result in the dismissal of this action without further notice.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 4th day of June 2012.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel and Parties of Record