

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

JAMES THOMAS REED,
Plaintiff,

vs.

CASE NO. 8:13-CIV-234-T-17-TGW

PETER A. BARONE, et al.,
Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on the report and recommendation (R&R) issued by Magistrate Judge Thomas G. Wilson on February 8, 2013 (Doc. 10). The magistrate judge recommended that the Court dismiss the complaint for failure to comply with Rule 8, Fed.R.Civ.P., with leave to amend but directing that any amended complaint be filed in the Southern District of Florida, and that the Court deny the motion to proceed *in forma pauperis*.

Pursuant to Rule 6.02, Rules of the United States District Court for the Middle District of Florida, the parties had fourteen (14) days after service to file written objections to the proposed findings and recommendations, or be barred from attacking the factual findings on appeal. Objections to the report and recommendation were filed (Doc. 11).

STANDARD OF REVIEW

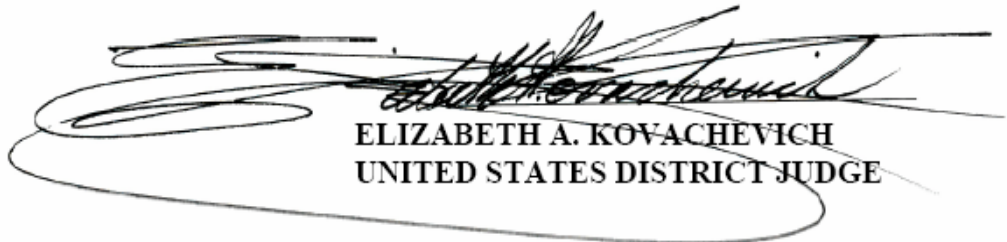
When a party makes a timely and specific objection to a finding of fact in the report and recommendation, the district court should make a de novo review of the record with respect to that factual issue. 28 U.S.C. § 636(b)(1); **U.S. v. Raddatz**, 447 U.S. 667 (1980); **Jeffrey S. v. State Board of Education of State of Georgia**, 896 f.2d 507 (11th Cir. 1990).

However, when no timely and specific objections are filed, case law indicates that the court should review the findings using a clearly erroneous standard. **Gropp v. United Airlines, Inc.**, 817 F.Supp. 1558, 1562 (M.D. Fla. 1993).

The Court has reviewed the report and recommendation and made an independent review of the record. Upon due consideration, the Court concurs with the report and recommendation and finds that the objections are not well taken. Accordingly, it is

ORDERED that the report and recommendation, February 8, 2013 (Doc. 10) be **adopted and incorporated by reference**; the objections be **overruled**; the complaint be **dismissed**, without prejudice, for failure to comply with Rule 8, Fed.R.Civ.P.; the plaintiff has leave to amend his complaint but he is directed to file any amended complaint be filed in the Southern District of Florida; the motion to proceed *in forma pauperis* be **denied**; and the Clerk of Court is directed to close this case and terminate any pending motions.

DONE and ORDERED in Chambers, in Tampa, Florida, this 19th day of February, 2013.


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:

All parties and counsel of record
Assigned Magistrate Judge