

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DIONE ANDERSON,

Plaintiff,

v.

Case No. 8:13-CV-315-T-35TGW

JUDY LEIBREID and  
GLORIA RILEY,

Defendants.

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of *pro se* Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* and Affidavit of Indigency. (Dkt. 2) On February 7, 2013, United States Magistrate Judge Thomas G. Wilson issued a Report and Recommendation, recommending that the Motion be denied, and the Plaintiff's Complaint be dismissed. (Dkt. 5) No objection was filed to the Report and Recommendation, and the deadline to do so has passed.

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, 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*, 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., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects, except that the complaint will be dismissed without prejudice. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation (Dkt. 5) is **CONFIRMED** and **ADOPTED** as part of this Order;
2. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Dkt. 2) is **DENIED**;
3. Plaintiff's Complaint (Dkt. 1) is **DISMISSED**; and
4. The **CLERK** is directed **CLOSE** this case.

**DONE** and **ORDERED** in Tampa, Florida, this 27th day of February 2013.



MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

Copies furnished to:  
Counsel of Record  
Any Unrepresented Party