

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

CARLESS LINK,
Plaintiff,

vs.

CASE NO. 8:13-CIV-852-T-17-AEP

S. STUART, 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 Anthony E. Porcelli on July 6, 2013 (Doc. 6). The magistrate judge recommended that the motion for *in forma pauperis* be denied, the motion to appoint counsel (Doc. 5) be denied as moot, and the action be dismissed based on the *Younger* abstention doctrine. *Younger v. Harris*, 401 U.S. 37, 43 (1971).

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. No timely objections to the report and recommendation were filed.

STANDARD OF REVIEW

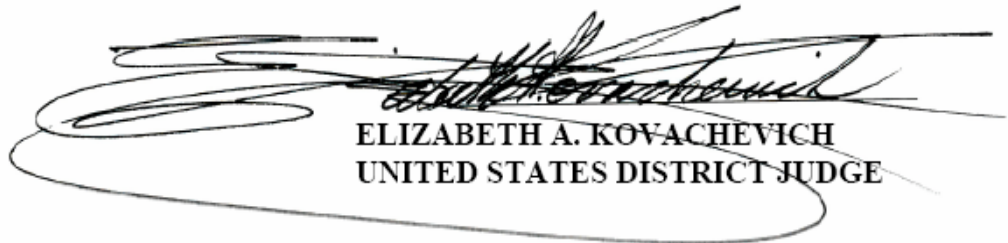
When a party makes a timely and specific objection to a finding of fact in the report and recommendation, the district court should make a de novo review of the record with respect to that factual issue. 28 U.S.C. § 636(b)(1); **U.S. v. Raddatz**, 447 U.S. 667 (1980); **Jeffrey S. v. State Board of Education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

ORDERED that the report and recommendation, July 1, 2013 (Doc. 5) be **adopted and incorporated by reference**; the motion for *in forma pauperis* be **denied**, the motion to appoint counsel (Doc. 5) be **denied as moot**, and the action be dismissed based on the *Younger* abstention doctrine. *Younger v. Harris*, 401 U.S. 37, 43 (1971). The Clerk of Court is directed to close this case.

DONE and ORDERED in Chambers, in Tampa, Florida, 29th day of July, 2013.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record
Assigned Magistrate Judge