

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOSE LEAL

Plaintiff,

v.

Case No. 8:13-cv-869-T-33TGW

WHITE HOUSE and HONORABLE
PRESIDENT BARACK OBAMA,

Defendants.

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ORDER

Before the Court is the April 16, 2013, Report and Recommendation of United States Magistrate Judge Thomas G. Wilson (Doc. # 4), in which Judge Wilson recommends that Defendant's Motion to Proceed *In Forma Pauperis* and Affidavit of Indigency (Doc. # 2) be denied and that the case be dismissed. No objection to the Report and Recommendation has been filed, and the time to do so has now passed. 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, including the Report and Recommendation, the Court adopts the Report and Recommendation, denies the Motion for Leave to Proceed *In Forma Pauperis*, and dismisses this action.

The Court agrees with Judge Wilson's detailed and well-reasoned findings of fact and conclusions of law: pro se Plaintiff Jose Leal has failed to show that he is indigent and, furthermore, he has failed to show that this Court has jurisdiction over his claim. The Court agrees with Judge Wilson's conclusion that "While it is normally appropriate to afford the plaintiff an opportunity to file

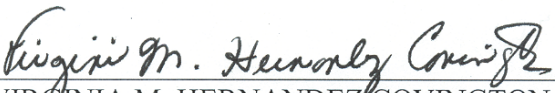
an amended complaint, see Troville v. Venz, 303 F.3d 1256, 1260 n.5 (11th Cir. 2002), [the Court] cannot perceive of any amendment which would permit this suit." (Doc. # 4 at 3-4). Therefore, the Court dismisses this case.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation of Thomas G. Wilson, United States Magistrate Judge (Doc. # 4) is **ACCEPTED AND ADOPTED**.
- (2) Plaintiff Jose Leal's Motion for Leave to Proceed *In Forma Pauperis* (Doc. # 2) is **DENIED**.
- (3) This action is **DISMISSED** and the Clerk is **DIRECTED** to **CLOSE this case**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 13th day of May, 2013.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Parties and Counsel of Record