

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ANTHONY LEROY DAVIS,

Plaintiff,

v.

Case No. 8:13-cv-1882-T-33TGW

CECIL SMITH and GEORGE  
ZIMMERMAN,

Defendants.

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**ORDER**

This cause comes before the Court pursuant to the July 29, 2013, Report and Recommendation of Thomas G. Wilson, United States Magistrate Judge (Doc. # 4), in which Judge Wilson recommends that Plaintiff's Motion for Leave to Proceed In Forma Pauperis (Doc. # 2) be denied, and that Plaintiff's complaint be dismissed. Plaintiff filed a timely objection to the Report and Recommendation on August 9, 2013. (Doc. # 5).

After careful consideration and being fully advised in the premises, the Court adopts the Report and Recommendation of the Magistrate Judge and overrules the filed objection.

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).

After conducting a careful and complete review of the entire record, including the Report and Recommendation and Plaintiff's objection thereto, the Court overrules the objection, adopts the Report and Recommendation, denies Plaintiff's Motion for Leave to Proceed In Forma Pauperis, and dismisses the Complaint.


Accordingly, it is hereby

**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's Motion for Leave to Proceed In Forma Pauperis (Doc. # 2) is **DENIED**.

(3) Plaintiff's complaint is dismissed. The Clerk is directed to close this case.

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

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Counsel of Record