

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

**ANTHONY LEROY DAVIS,**

**Plaintiff,**

**v.**

**Case No. 8:13-cv-02655-T-27EAJ**

**COUNTY OF SEMINOLE, FLORIDA et al.,**

**Defendants.**

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**ORDER**

**BEFORE THE COURT** is the Report and Recommendation (Dkt. 3) from the Magistrate Judge recommending that the Application to Proceed Without Prepayment of Fees and Affidavit (Dkt. 2) be construed as a motion for leave to proceed *in forma pauperis* and denied without prejudice, and the Complaint (Dkt. 1) be dismissed without prejudice for failure to state a claim.

A district court may accept, reject or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that factual findings be reviewed *de novo*, and the court may accept, reject or modify, in whole or in part, the findings and recommendations. § 636(b)(1)(C); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Legal conclusions are reviewed *de novo*, even in the absence of an objection. *See LeCroy v. McNeil*, 397 Fed. Appx. 554, 556 (11th Cir. 2010) (citing *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982)); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After conducting a careful and complete review of all findings, conclusions, and recommendations, and giving *de novo* review to matters of law, the Report and Recommendation

(Dkt. 3) is **APPROVED** and **ADOPTED** for all purposes, including for appellate review. The Application to Proceed Without Prepayment of Fees and Affidavit (Dkt. 2) is **DENIED without prejudice**. The Complaint (Dkt. 1) is **DISMISSED without prejudice**.

Plaintiff has filed an amended complaint and an amended motion to proceed *in forma pauperis*. Because Seminole County has the greatest nexus with this case, the Clerk is directed to **TRANSFER** this case to the Orlando Division of the United States District Court for the Middle District of Florida pursuant to Local Rules 1.02(c) and 1.02(e) for further consideration of these pleadings.

**DONE AND ORDERED** this 5<sup>th</sup> day of November, 2013.

  
**JAMES D. WHITTEMORE**  
United States District Judge

Copies to: Plaintiff