

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JUANITA GREY,

Plaintiff,

v.

Case No. 8:13-cv-2826-T-33TGW

HARTFORD CASUALTY INSURANCE CO.,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Thomas G. Wilson's Report and Recommendation (Doc. # 9), filed on January 7, 2014, recommending that Plaintiff's Amended Complaint be dismissed without leave to amend.

As of this date, there are no objections to the report and recommendation, and the time for the parties to file such objections has elapsed. The Court adopts the Report and Recommendation as discussed below.

I. Legal Standard

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) (Table).

II. Discussion

Having conducted a careful and complete evaluation of the findings, conclusions, and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the magistrate judge and the recommendation of the magistrate judge.

The Court notes that Grey initiated this action on November 5, 2013, and on that date filed an affidavit of indigency seeking leave to proceed *in forma pauperis*. (Doc. ## 1, 2). The Magistrate Judge evaluated the Complaint and explained in an initial Report and Recommendation dated November 7, 2013, that Grey's Complaint failed to state a claim upon which relief could be granted. (Doc. # 4). The Magistrate Judge discussed the proper content of a Complaint,

including jurisdictional allegations, and noted that Grey "appears to allege a state-law claim and does not include in her complaint allegations which establish diversity jurisdiction." (Id. at 2).

On November 26, 2013, this Court adopted the initial Report and Recommendation of the Magistrate Judge and granted Grey the opportunity to file an Amended Complaint and amended motion for leave to proceed *in forma pauperis* by December 27, 2013. (Doc. # 5).

On December 27, 2013, Grey filed an Amended Complaint and an affidavit of indigency, which the Court construes as an amended Motion for leave to proceed *in forma pauperis*. (Doc. ## 7, 8). As noted, the Magistrate Judge has issued a Report and Recommendation in which he recommends that the Amended Complaint be dismissed without leave to amend. (Doc. # 9). The Magistrate Judge notes that "[t]he amended complaint . . . does not remedy the deficiencies identified in the original complaint. . . . [T]he plaintiff has submitted a rambling three-page letter that fails to state a cause of action and includes no jurisdictional allegations or prayer for relief." (Id. at 2-3).

Based on the recommendation of the Magistrate Judge, to which Grey has not objected, the Court denies the construed

amended Motion for Leave to Proceed *in forma pauperis* and dismisses the Amended Complaint without leave to amend.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 9) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's construed amended Motion to Proceed *in forma pauperis* (Doc. # 7) is **DENIED**.
- (3) Plaintiff's Amended Complaint (Doc. # 8) is **DISMISSED** without leave to amend.
- (4) The Clerk is directed to Close the Case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 28th day of January, 2014.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Counsel and Parties of Record