

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

FRANK BRETT,

Plaintiff,

v.

Case No. 8:14-cv-727-T-33EAJ

U.S. MARSHAL CURTIS, ET AL.,

Defendants.

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**ORDER**

This matter is before the Court on consideration of the report and recommendation of Elizabeth A. Jenkins, United States Magistrate Judge, (Doc. # 8) filed on April 1, 2014, recommending that Plaintiff's Motion for Leave to Proceed in forma pauperis (Doc. # 4) be denied with prejudice, recommending that Plaintiff's Motion to Appoint Counsel (Doc. # 5) be denied, and further recommending that this action be dismissed.

No objections have been filed, and the time for the submission of objections has expired.

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).

After conducting a careful and complete review 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. This Court specifically adopts the magistrate judge's finding that "the complaint is subject to dismissal because it fails to comply with the Federal Rules of Civil Procedure and is frivolous." (Doc. # 8 at 2). The Court has construed Plaintiff's pro se filings liberally but ultimately determines that this action is subject to dismissal.

Accordingly, it is

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation (Doc. # 8) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. # 4) is **DENIED WITH PREJUDICE**.
- (3) Plaintiff's Motion to Appoint Counsel (Doc. # 5) is **DENIED**.
- (4) This action is **DISMISSED**.
- (5) The Clerk shall **CLOSE THIS CASE**.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 21st day of April, 2014.

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Copies: All Counsel and Parties of Record