

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ANDREW THOMAS LEHET,

Plaintiff,

v.

Case No. 8:14-cv-1937-T-33EAJ

U.S. DEPARTMENT OF VETERANS  
AFFAIRS,

Defendant.

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**ORDER**

This cause comes before the Court pursuant to the October 30, 2014, Report and Recommendation of the Honorable Elizabeth A. Jenkins, United States Magistrate Judge (Doc. # 15), in which Judge Jenkins recommends that Plaintiff Andrew Thomas Lehet's motion to proceed *in forma pauperis* (Doc. # 14), be denied and further recommends that Lehet's amended complaint (Doc. # 12) be dismissed for failure to state a claim.

On November 12, 2014, this Court granted Lehet's Emergency Application for Extension of Time to File Response to Report and Recommendation. (See Doc. ## 16-17). As a result, Lehet had until and including November 28, 2014, to file a response to the Report and Recommendation. (Doc. #

17). On November 26, 2014, Lehet filed an objection to the Report and Recommendation. (Doc. # 18). After due consideration, the Court overrules Lehet's objection and adopts the Report and Recommendation of Judge Jenkins.

### **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 (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, the Court overrules Lehet's objection and adopts the Report and Recommendation of the Magistrate Judge. The Court agrees with Judge Jenkins' detailed and well-reasoned findings of fact


and conclusions of law. The Report and Recommendation thoughtfully addresses the issues presented and the objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is now

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation of the Honorable Elizabeth A. Jenkins, United States Magistrate Judge (Doc. # 15) is **ADOPTED**.
- (2) Plaintiff Andrew Thomas Lehet's motion for leave to proceed *in forma pauperis* (Doc. # 14) is **DENIED**.
- (3) Plaintiff's Amended Complaint (Doc. # 12) is **DISMISSED for failure to state a claim**.
- (4) The Clerk is directed to close this case.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 1st day of December, 2014.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record