

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 January 15, 2015, Report and Recommendation of the Honorable Elizabeth A. Jenkins, United States Magistrate Judge (Doc. # 21), in which Judge Jenkins recommends that Plaintiff Andrew Thomas Lehet's construed motion for leave to proceed *in forma pauperis* on appeal (Doc. # 20), be denied.

On January 29, 2015, Lehet filed an objection to the Report and Recommendation. (Doc. # 22). 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. # 21) is **ADOPTED**.

(2) Plaintiff's motion for leave to proceed *in forma pauperis* on appeal (Doc. # 20) is **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 30th day of January, 2015.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record