

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

RONDALE MCDOWELL and
LEONARD E. TUNSIL,

Plaintiffs,

v.

Case No.: 8:15-CV-0077-T-17MAP

STATE OF FLORIDA *et al.*,

Defendant.

ORDER ADOPTING IN PART THE REPORT AND RECOMMENDATION

This cause is before the Court on the Report and Recommendation (“R&R”) Magistrate Judge Mark A. Pizzo issued March 19, 2015. (Doc. 6). Magistrate Judge Pizzo recommended the Court deny Plaintiff Rondale McDowell’s Motion for Leave to Proceed in forma pauperis (Doc. 2), dismiss Plaintiffs’ complaint, and administratively close this case. (Doc. 6). Plaintiffs filed a response to the R&R. (Doc. 7). For the reasons stated below, the Court **ADOPTS** the R&R.

STANDARD OF REVIEW

When a party makes a timely and specific objection to a finding in a report and recommendation—whether factual or legal in nature—the district court should make a de novo review of the record with respect to that issue. 28 U.S.C. § 636(b)(1); U.S. v. Raddatz, 447 U.S. 667 (1980); Jeffrey S. v. State Board of Education of State of Georgia, 896 F.2d 507 (11th Cir. 1990). “The district judge may consider arguments not presented to the magistrate judge” when considering objections. Charlebois-Deubler v. Prudential Ins. Co. of America, 2013 WL 980260 (M.D. Fla. 2013) (citing Stephens v. Tolbert, 471 F.3d 1173, 1174 (11th Cir. 2006)).

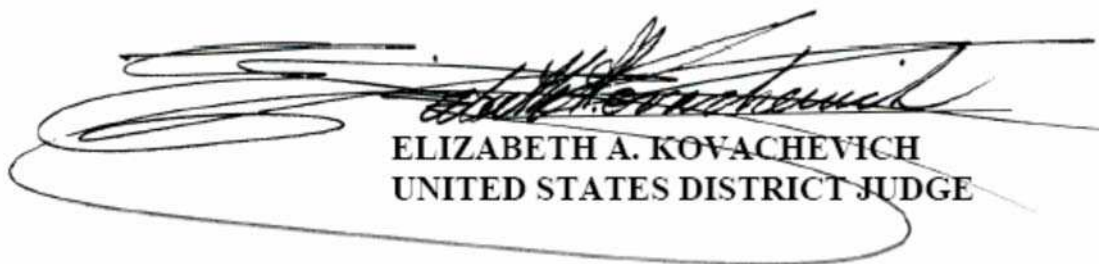
DISCUSSION

The Court has reviewed Plaintiffs' Response to the R&R, (Doc. 7), and liberally construes the Response to include the following objections to the R&R: 1) The lack of financial ability to hire an attorney precludes Plaintiffs from effectively constructing a legal complaint, response, or argument; 2) Judge Pizzo cannot empathize with Plaintiffs due to racial inequalities; 3) Judge Pizzo failed to consider all crimes alleged in the complaint—notably “ignoring” the attempted murder, forgery, and other enumerated charges; and 4) Judge Pizzo failed to consider the context of the alleged intimidation and retaliation. (Doc. 7). The Response also discusses the “injustices” Plaintiffs allegedly endured during the events preceding the Complaint, and alleged unconstitutional and criminal actions the Defendants perpetuated after the Complaint was filed. (Doc. 7).

The Court has made a de novo review of the record, and upon due consideration, the Court finds meritless Plaintiffs' Response and agrees entirely with Magistrate Judge Pizzo's findings and recommendations. Accordingly, it is

ORDERED that Plaintiff's Response is **OVERRULED**, and the R&R is **ADOPTED** in full. Plaintiff Rondale McDowell's Motion for Leave to Proceed in forma pauperis is **DENIED**. Plaintiffs' Complaint is **DISMISSED**, and the Clerk of Court is directed to **TERMINATE** all pending motions and **ADMINISTRATIVELY CLOSE** this case.

DONE and ORDERED in Chambers, in Tampa, Florida, this 8th day of April, 2015.


ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to: All parties and counsel of record
Assigned Magistrate Judge