

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

KEISHA F. DAVIS,
o/b/o I.S.,

Plaintiff,

v.

Case No. 8:15-cv-892-T-33TBM

CAROLYN W. COLVIN, Acting
Commissioner of the United
States Social Security
Administration,

Defendants.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Thomas B. McCoun's Report and Recommendation (Doc. # 9), entered on September 9, 2015, recommending that this action be dismissed. As of this date, there are no objections to the Report and Recommendation, and the time to file such objections has elapsed.

I. Background

Plaintiff Keisha F. Davis filed her Complaint against Carolyn W. Colvin, Acting Commissioner of the United States Social Security Administration, on April 4, 2015. (Doc. # 1). Davis also sought leave to proceed in forma pauperis, which was granted. (Doc. ## 2, 5). Davis was directed by the Court

to complete and return the "Summons in a Civil Case" forms to the Clerk by May 27, 2015. (Doc. # 5). On July 27, 2015, Davis was again directed to complete and return the necessary forms to properly serve the Commissioner. (Doc. # 7). Davis did not complete the necessary forms. (Doc. # 9). Thus, on August 17, 2015, Davis was ordered to show cause, in writing, on or before August 28, 2015, why this case should not be dismissed for failure to effectuate service in a timely manner. (Doc. # 8). Davis has not filed any response. Furthermore, no objection has been filed to Judge McCoun's Report and Recommendation as of the date of this Order.

II. Discussion

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. Federal Rule of Civil Procedure 4(m) provides, in part, "If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant" More than 120 days have passed since the filing of the Complaint and Davis has neither effected service of process, nor shown cause why such service has not been made.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 9) is **ACCEPTED** and **ADOPTED**.
- (2) This case is **DISMISSED WITHOUT PREJUDICE**.
- (3) The Clerk is directed to close this case.

DONE and **ORDERED** in Chambers in Tampa, Florida, this
24th day of September, 2015.



Copies: All Counsel and Parties of Record.