

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

CLEARWATER HOUSING AUTHORITY,

Plaintiff,

v.

Case No: 8:15-cv-1212-T-27EAJ

CHAKI HURDLE,

Defendant.

ORDER

BEFORE THE COURT is the Report and Recommendation of the Magistrate Judge recommending that Defendant's request for leave to proceed *in forma pauperis* (Dkt. 3) be denied (Dkt. 5). Defendant has not filed objections and the time in which to do so has passed.¹ Upon consideration, the Report and Recommendation is adopted as the opinion of the Court and Defendant's request is denied.

A district court may accept, reject or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that factual findings be reviewed *de novo*, and the court may accept, reject or modify, in whole or in part, the

¹ The docket reflects that the Report and Recommendation was mailed to *pro se* Defendant on June 26, 2015, but was returned as undeliverable and unable to forward. A party has a duty to keep the Court informed of his address. It is Defendant's responsibility to notify the Court of any change in his address. *See Lewis v. Conners Steel Co.*, 673 F.2d 1240 (11th Cir.1982) (stating that it is "fair and reasonable for [a party] to assume the burden of advising ... of address changes or to take other reasonable steps to ensure delivery ... to his current address."). There is nothing in the record reflecting any change in his address. In any event, the Magistrate Judge's legal conclusions have been reviewed *de novo* and are not wrong. Therefore, any failure to consider objections would be harmless. *See Braxton v. Estelle*, 641 F.2d 392, 397 (5th Cir. Unit A Apr. 1981) (per curiam) (holding that because "the district judge could assess the merits of the petition from its face," the district court's failure to review objections by the petitioner, who may have not received notice of the R&R, was harmless (quotation omitted))

findings and recommendations. § 636(b)(1)(C); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Legal conclusions are reviewed *de novo*, even in the absence of an objection. See *LeCroy v. McNeil*, 397 Fed. App'x. 554, 556 (11th Cir. 2010) (citing *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982)); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Accordingly,

The Report and Recommendation (Dkt. 5) is **APPROVED** and **ADOPTED** as the opinion of the Court for all purposes, including for appellate review. Defendant's request to proceed *in forma pauperis* (Dkt. 3) is **DENIED**. This case is **REMANDED** to the Sixth Judicial Circuit, in and for Pinellas County, Florida. The Clerk is directed to **CLOSE** the file.

DONE AND ORDERED this 20th day of July, 2015.



JAMES D. WHITTEMORE
United States District Judge

Copies to:
pro se Defedant
Counsel of Record
Clerk of Court, Sixth Judicial Circuit, in and for Pinellas County, Florida