

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

RACHEL PINKSTON,

Plaintiff,

v.

Case No. 8:15-cv-1724-T-33TBM

UNIVERSITY OF SOUTH FLORIDA  
BOARD OF TRUSTEES, et al.,

Defendants.

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**ORDER**

This matter is before the Court on consideration of the report and recommendation of the Honorable Thomas B. McCoun III, United States Magistrate Judge, (Doc. # 91) filed on February 25, 2016, recommending that Defendants' Motion to Involuntarily Dismiss Plaintiff's Civil Action with Prejudice (Doc. # 49) be denied. The Defendants filed an Objection to the Report and Recommendation on March 10, 2016. (Doc. # 102). Plaintiff did not file a response to Defendants' Objection, and the time for Plaintiff to respond has expired.

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). If a party files a timely and specific objection to

a finding of fact by the magistrate, the district judge must conduct a *de novo* review with respect to that factual issue. Stokes v. Singletary, 952 F.2d 1567, 1576 (11th Cir. 1992). 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).

Upon due consideration of the record, including Judge McCoun's Report and Recommendation, as well as the Defendants' Objection, the Court overrules the objection and adopts the Report and Recommendation. The Court agrees with Judge McCoun's 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

**ORDERED, ADJUDGED, and DECREED:**

- (1) The Report and Recommendation (Doc. # 91) is **ACCEPTED** and **ADOPTED**.
- (2) Defendants' Motion to Involuntarily Dismiss Plaintiff's Civil Action with Prejudice (Doc. # 49) is **DENIED**.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 29th  
day of March, 2016.

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