

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ALFRED BARR,

Plaintiff,

v.

Case No. 8:15-cv-2391-T-33MAP

ONE TOUCH DIRECT, LLC, et al.,

Defendants.

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ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Mark A. Pizzo's Report and Recommendation (Doc. # 121), filed on August 15, 2016. The time for filing objections has passed and no objections have been filed. For the reasons below, the Court accepts and adopts the Report and Recommendation, and denies *pro se* Plaintiff Alfred Barr's Motion for Permission to Appeal *in Forma Pauperis* (Doc. # 115).

I. Background

On June 17, 2016, Barr filed a notice of appeal, indicating that he is appealing several Orders; namely, the Orders entered at docket entries 59, 75, 78, 82, 83, 85, 89, 90, and 110.¹ (Doc. # 111). As Judge Pizzo observed, "[t]hese rulings either resolve

¹ The Court notes that docket entry 110 is the minute entry for the June 17, 2016, hearing held by Judge Pizzo. The Order denying Barr's motions that were the impetus for the hearing is docketed at entry 112.

discovery issues, or deal with miscellaneous pretrial matters, or dismiss certain parties from the case," but they did not "end[] the litigation in any final way" (Doc. # 121 at 1). Thereafter, Barr filed the pending Motion, seeking leave to prosecute his appeal *in forma pauperis*. (Doc. # 115). On August 15, 2016, Judge Pizzo entered his Report and Recommendation, which recommends that Barr's Motion should be denied because he is attempting to take an interlocutory appeal. (Doc. # 121).

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.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 121) is **ACCEPTED** and **ADOPTED**.
- (2) *Pro se* Plaintiff Alfred Barr's Motion for Permission to Appeal *in Forma Pauperis* (Doc. # 115) is **DENIED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 2nd day of September, 2016.

