

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

THEOPHILUS E. GREEN,

Plaintiff,

v.

Case No. 8:16-cv-203-T-33TGW

NANCY L. VOIGHT, ET AL.,

Defendants.

ORDER

This matter is before the Court on consideration of the Report and Recommendation of Thomas G. Wilson, United States Magistrate Judge, (Doc. # 6) filed on February 8, 2016. Judge Wilson recommends that this Court dismiss the Complaint without prejudice and with leave to file an amended complaint within thirty days. No objections have been filed, and the time for the submission of objections 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). 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

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 6) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. # 3) is **DENIED WITHOUT PREJUDICE**.
- (3) Plaintiff's Complaint is dismissed without prejudice. Plaintiff is authorized to file an amended complaint, accompanied by an amended motion for leave to proceed *in forma pauperis*, on or before **March 28, 2016**. Failure to file an amended complaint within this period will result in dismissal of this action without further notice.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 26th
day of February, 2016.

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