

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

EZRA T. TESSEMA,

Plaintiff,

v.

Case No. 8:16-cv-359-T-33MAP

UNITED STATES DEPARTMENT OF NAVY
and VETERANS ADMINISTRATION,

Defendants.

/

ORDER

This matter is before the Court on consideration of the report and recommendation of Mark A. Pizzo, United States Magistrate Judge, (Doc. # 5) filed on February 25, 2016, recommending that Plaintiff Ezra T. Tessema's Petition for Writ of Habeas Corups (Doc. # 1) and Motion to Proceed *in forma pauperis* (Doc. # 2) be denied. Tessema filed an Objection to the Report and Recommendation on March 8, 2016. (Doc. # 7).

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 Pizzo's Report and Recommendation, as well as Tessema's Objection, the Court overrules the objection and adopts the Report and Recommendation. The Court agrees with Judge Pizzo'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. # 5) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff Ezra T. Tessema's Motion for Leave to Proceed *in forma pauperis* (Doc. # 2) is **DENIED**.

(3) Plaintiff Ezra T. Tessema's Petition for a Writ of Habeas Corups (Doc. # 1) is **DENIED**. This case is **dismissed without prejudice**.

(4) The Clerk is directed to **CLOSE THIS CASE**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 10th day of March, 2016.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE