

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SHERRY K. JOHNSON,

Plaintiff,

v.

Case No. 8:16-cv-761-T-33JSS

HILLSBOROUGH COUNTY CIRCUIT COURT,

Defendant.

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ORDER

This matter is before the Court in consideration of the Report and Recommendation of Julie S. Sneed, United States Magistrate Judge, (Doc. # 4), filed on March 31, 2016. Judge Sneed recommends that this Court deny Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* without prejudice and dismiss the Complaint without prejudice, with leave to file an amended complaint. 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. # 4) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. # 2) is **DENIED WITHOUT PREJUDICE**.
- (3) Plaintiff's Complaint (Doc. # 1) is dismissed without prejudice. Plaintiff may file an amended complaint that complies with the Federal Rules of Civil Procedure on or before **May 20, 2016**. Failure to file an amended complaint

within this period will result in dismissal of this action without further notice.

- (4) Plaintiff shall either pay the filing fee to continue this action or file a notarized and complete Affidavit of Indigency upon filing an amended complaint.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 20th day of April, 2016.

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