

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

DENISE GARRETTE,  
Plaintiff,

v.

Case No: 8:16-cv-2645-T-33TBM

GRACEPOINT MENTAL HEALTH  
FACILITY and HILLSBOROUGH  
COUNTY SHERIFF,  
Defendants.

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**ORDER**

This matter comes before the Court upon consideration of United States Magistrate Judge Thomas B. McCoun III's Report and Recommendation (Doc. # 6), entered on November 20, 2016, recommending that Plaintiff Denise Garrette's construed Motion for Leave to Proceed *in forma pauperis* be denied and Garrette's Complaint be dismissed with prejudice. As of the date of this Order, no objections have been filed and the time for filing objections has lapsed. The Court accepts and adopts the Report and Recommendation, denies the Motion for Leave to Proceed *in forma pauperis*, and dismisses the Complaint with prejudice.

**I. Background**

Garrette, proceeding *pro se*, filed her Complaint on September 14, 2016. In the rambling and disorganized

Complaint, Garrette alleges violations of Title VI, due process, and the First and Fourth Amendments, by Gracepoint Mental Health Facility and the Hillsborough County Sheriff. (Doc. # 1).

Thereafter, Garrette filed an Affidavit of Indigency, which the Court construes as a Motion for Leave to Proceed *in forma pauperis* (Doc. # 2), and which was referred to Judge McCoun. Judge McCoun subsequently entered the Report and Recommendation considered herein.

## **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. # 6) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff Denise Garrette's Motion for Leave to Proceed *in forma pauperis* (Doc. # 2) is **DENIED**.
- (3) Plaintiff Garrette's Complaint is **DISMISSED WITH PREJUDICE**.
- (4) The Clerk is directed to terminate all pending motions and, thereafter, **CLOSE** this case.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 12th day of December, 2016.

  
VIRGINIA M. HERNANDEZ COVINGTON  
UNITED STATES DISTRICT JUDGE