

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

MARK ANTONIO BURGOS,

Plaintiff,

v.

Case No. 8:16-cv-3383-T-33AEP

CORPORAL J. REESE, et al.,

Defendants.

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**ORDER**

This matter comes before the Court upon consideration of United States Magistrate Judge Anthony E. Porcelli's Report and Recommendation (Doc. # 8), entered on May 24, 2017, recommending that Plaintiff Mark Antonio Burgos's motion for leave to proceed in forma pauperis be denied and the case dismissed. Burgos has not filed an objection and the time for doing so has passed. The Court adopts the Report and Recommendation, denies Burgos's motion to proceed in forma pauperis, and dismisses this action.

**Discussion**

Burgos filed his Complaint on December 14, 2016, and on the same day filed a motion for leave to proceed in forma pauperis, which was referred to Judge Porcelli for a report and recommendation. (Doc. ## 1, 2). Judge Porcelli denied

Burgos's motion for leave to proceed in forma pauperis and directed Burgos to file an amended complaint. (Doc. # 4). On February 15, 2017, Burgos filed his Amended Complaint and his pending motion for leave to proceed in forma pauperis. (Doc. ## 6, 7). On May 24, 2017, Judge Porcelli entered the instant Report and Recommendation. (Doc. # 8). No objections to the Report and Recommendation have been filed.

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). 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).

The Court has conducted a careful and complete review of the findings, conclusions, and recommendations, and has reviewed matters of law *de novo*. The Court accepts and adopts the Report and Recommendation.

Accordingly, it is now

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Porcelli's Report and Recommendation (Doc. # 8) is **ACCEPTED** and **ADOPTED**.
- (2) The Amended Complaint (Doc. # 6) is **DISMISSED** and the motion to proceed in forma pauperis (Doc. # 7) is **DENIED**.
- (3) The Clerk is directed to **CLOSE** this case.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 20th day of June, 2017.

