

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JENNIFER KUHL,

Plaintiff,

v.

Case No. 8:17-cv-394-T-33AEP

NANCY A. BERRYHILL, Acting  
Commissioner of Social  
Security,

Defendant.

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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. # 4), entered on March 6, 2017. Judge Porcelli recommends that Plaintiff Jennifer Kuhl's construed motion for leave to proceed *in forma pauperis* be denied and Kuhl be given until April 3, 2017, to pay the filing fee. (Id.). The time for filing objections has passed and Kuhl has not filed any objection to the Report and Recommendation. The Report and Recommendation is adopted, Kuhl's construed motion to proceed *in forma pauperis* is denied, and Kuhl shall pay the filing fee by April 3, 2017.

## 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). 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*. Given that Kuhl's joint income exceeds her monthly expenses by well over \$1,000, the Court agrees that she does not meet the requirements to proceed *in forma pauperis*.

Accordingly, it is now

**ORDERED, ADJUDGED, and DECREED:**

- (1) Judge Porcelli's Report and Recommendation (Doc. # 4) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff Jennifer Kuhl's construed motion to proceed *in forma pauperis* (Doc. # 2) is **DENIED**.
- (3) Kuhl shall pay the filing fee by April 3, 2017. Failure to do so will result in this action being dismissed without further notice.

**DONE** and **ORDERED** in Chambers in Tampa, Florida, this 21st day of March, 2017.

