

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GEORGE MCKEITHEN,

Plaintiff,

v.

Case No. 8:17-cv-490-T-33MAP

UNITED STATES DEPARTMENT OF
JUSTICE,

Defendant.

_____ /

ORDER

This matter comes before the Court upon consideration of United States Magistrate Judge Mark A. Pizzo's Report and Recommendation (Doc. # 5), entered on March 6, 2017, recommending that Plaintiff George McKeithen's motion for leave to proceed in forma pauperis be denied and the case dismissed. McKeithen filed an objection on March 9, 2017. (Doc. # 6).

Discussion

McKeithen filed his Complaint on February 28, 2017, and on the same day filed his pending motion to proceed in forma pauperis, which was referred to Judge Pizzo for a report and recommendation. (Doc. ## 1, 2). The Complaint, which is mostly an incomplete form provided by the Court to pro se plaintiffs, states with respect to the claim being brought: "For a

thirteen year period now the department of justice [sic] has committed 78 un awfu [sic] acts against me and refuses to protect my right, 'm [sic] 1 7 mi lon [sic] do ars [sic] for each vio ation [sic]." (Doc. # 1 at 4). And, that is the extent of the Complaint.

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 agrees,

notwithstanding McKeithen's objection, that the Complaint "does not offer any details about how the DOJ has wronged him, when these allegedly unlawful acts occurred, and why he believes these acts harmed him at the rate of 17 million dollars apiece." (Doc. # 5 at 4). While the Court must construe pro se pleadings liberally, even the most liberal reading of McKeithen's Complaint fails to come close to yielding a plausible claim to relief.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) McKeithen's objection (Doc. # 6) is **OVERRULED**.
- (2) Judge Pizzo's Report and Recommendation (Doc. # 5) is **ACCEPTED**.
- (3) The Complaint (Doc. # 1) is **DISMISSED** and the motion to proceed in forma pauperis (Doc. # 2) is **DENIED AS MOOT**.
- (4) The Clerk is directed to **CLOSE** this case.

DONE and ORDERED in Chambers in Tampa, Florida, this 9th day of March, 2017.

