

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JOHN WESTLEY,

Plaintiff,

v.

Case No. 8:17-cv-729-T-33TBM

GREGORY N. HULTMAN, ET AL.,

Defendants.

ORDER

This matter is before the Court on consideration of United States Magistrate Judge Thomas B. McCoun's Report and Recommendation (Doc. # 57), filed on June 19, 2017, recommending that Plaintiff's construed Motion for Leave to Proceed on Appeal *in forma pauperis* (Doc. ## 54, 55) be denied. Plaintiff filed a pro se objection to the Report and Recommendation. (Doc. ## 58, 59). As stated below, the Court adopts the Report and Recommendation of the Magistrate Judge and overrules the filed objection.

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).

The Report and Recommendation thoroughly and thoughtfully addresses the issues presented and, 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. The Report and Recommendation thoughtfully addresses the issues presented, and Plaintiff's arguments raised in his objection do not provide a basis for rejecting the Report and Recommendation.


Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 57) is **ACCEPTED** and **ADOPTED**.

- (2) Plaintiff's Objection to the Report and Recommendation (Doc. ## 58, 59) is **OVERRULED**.
- (3) Plaintiff's construed Motion for Leave to Proceed on Appeal *in forma pauperis* (Doc. ## 54, 55) is **DENIED**.
- (4) The Court certifies that the appeal is not taken in good faith and directs the Clerk to notify the Court of Appeals of this ruling in accordance with Rule 24(a)(4)(B), Federal Rules of Appellate Procedure.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 3rd day of July, 2017.

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