

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JENNELL LAVAR SIMPSON,

Plaintiff,

v.

Case No: 8:17-cv-1151-T-27TGW

TAMPA GENERAL HOSPITAL,

Defendant.

ORDER

BEFORE THE COURT are the Report and Recommendation (Dkt. 4) of the Magistrate Judge recommending that Plaintiff's Complaint (Dkt. 1) be dismissed, but allow Plaintiff to file, within thirty (30) days, an amended complaint, and Plaintiff's Affidavit of Indigency construed as a motion for leave to proceed *in forma pauperis* (Dkt. 2). Plaintiff has not filed objections and the time in which to do so has passed.

A district court may accept, reject or modify a magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1). In the absence of specific objections, there is no requirement that factual findings be reviewed *de novo*, and the court may accept, reject or modify, in whole or in part, the findings and recommendations. § 636(b)(1)(C); *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Legal conclusions are reviewed *de novo*, even in the absence of an objection. See *LeCroy v. McNeil*, 397 Fed. App'x. 554, 556 (11th Cir. 2010) (citing *United States v. Warren*, 687 F.2d 347, 348 (11th Cir. 1982)); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

After careful consideration of the Report and Recommendation in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation

should be adopted, confirmed, and approved in all respects.

Accordingly, the Report and Recommendation (Dkt. 4) is **APPROVED** and **ADOPTED** as the opinion of the Court for all purposes, including for appellate review. Plaintiff's Complaint (Dkt. 1) is **DISMISSED *without prejudice***. Plaintiff's construed motion for leave to proceed *in forma pauperis* (Dkt. 2) is **DENIED as moot**. Plaintiff may file an amended complaint within **thirty (30) days**, which must be accompanied by either an amended motion to proceed *in forma pauperis* or the filing fee. Failure to file an amended complaint will result in this case being dismissed without further notice.

DONE AND ORDERED this 13th day of June, 2017.



JAMES D. WHITTEMORE
United States District Judge

Copies to:
Pro se Plaintiff