

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TANISHA RENEE PRIMOUS,

Plaintiff,

v.

Case No. 8:18-cv-398-T-33TGW

TAMPA HOUSING AUTHORITY, ET AL.,

Defendants.

ORDER

This matter is before the Court on consideration of the Report and Recommendation of Thomas G. Wilson, United States Magistrate Judge, (Doc. # 4) filed on April 13, 2018. Judge Wilson recommends that this Court dismiss the Complaint without prejudice and with leave to file an amended complaint within thirty days. No objections have been filed, and the time for the submission of objections has expired. The Court notes that the Report and Recommendation was returned to sender and not delivered to Plaintiff. However, the Plaintiff is required to inform the Court of any address changes. See Weston v. St. Petersburg Police Dept., No. 8:09-cv-495-T-27TBM, 2010 U.S. Dist. LEXIS 91798 (M.D. Fla. Aug. 9, 2010) ("A party has a duty to keep the Court informed of his/her address."); Lewis v. Conners Steel Co., 673 F.2d 1240, 1243 (11th Cir. 1982) (stating that it is "fair and reasonable for [a party] to assume the burden of advising . . . of address

changes or to take other reasonable steps to ensure delivery . . . to his current address."); Penaloza v. Target Corp., No. 8:11-cv-2656-T-33AEP, 2012 U.S. Dist. LEXIS 15007 (M.D. Fla. Feb. 8, 2011) ("If plaintiff should change her address at any time during the course of this litigation, she shall immediately advise the court of that change by filing a 'Notice of Change of Address,' which shall set forth her new mailing address and all other applicable information."). The Court recognizes that Plaintiff alleges that she and her family have become displaced due to Defendants' actions. (Doc. # 1). In an effort to help Plaintiff receive notice of this Order, the Court directs the Clerk to send this Order, as well as the Report and Recommendation of the Magistrate Judge, to Plaintiff via the email address she lists in the Complaint: Tanishaprimous1990@gmail.com.

Report and Recommendation

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).

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.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 4) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. # 2) is **DENIED WITHOUT PREJUDICE**.
- (3) Plaintiff's Complaint is dismissed without prejudice. Plaintiff is authorized to file an amended complaint, accompanied by an amended motion for leave to proceed *in forma pauperis*, on or before **June 4, 2018**. Failure to file an amended complaint within this period will result

in dismissal of this action without further notice and case closure.

- (4) The Clerk is directed to send this Order as well as the Magistrate Judge's Report and Recommendation to the Plaintiff via email.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 2nd day of May, 2018.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE