

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TYLER J. WHITHAM,

Plaintiff,

v.

Case No. 8:18-cv-513-T-33JSS

SALVATION ARMY,

Defendant.

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ORDER

This matter is before the Court on consideration of the Report and Recommendation of Julie S. Sneed, United States Magistrate Judge, (Doc. # 10) filed on April 26, 2018. Judge Sneed recommends that this Court deny Plaintiff's request to proceed *in forma pauperis* and also recommends that the Court dismiss the Complaint without prejudice and with leave to file an amended complaint within twenty days. No objections have been filed, and the time for the submission of objections has expired.

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).

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. # 10) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff's motions for leave to proceed *in forma pauperis* (Doc. ## 2, 7) are **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*, by **June 4, 2018**. Failure to file an

amended complaint within this period will result in dismissal of this action without further notice.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 15th day of May, 2018.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE