

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

DERRICK L. GIBSON, SR.,

Plaintiff,

v.

CASE NO. 4:13-cv-117-MW/GRJ

**JOHN DOE and
MICHAEL D. CREWS,**

Defendants.

_____ /

**ORDER CONSIDERING OBJECTIONS DE NOVO,
TREATING THEM AS A MOTION TO ALTER OR AMEND THE
JUDGMENT, AND DENYING THE MOTION**

The Magistrate Judge entered a report and recommendation concluding that this civil-rights case should be dismissed. ECF No. 30. This Court entered its Order Accepting and Adopting Report and Recommendation, ECF No. 33, on April 23, 2014, directing the Clerk to enter judgment. Judgment was entered by the Clerk on April 23, 2014. ECF No. 34.

Plaintiff has now moved to file an objections out of time. ECF No. 35. This Court has reconsidered *de novo* the issues raised by the objections, just as would have been done had the objections been received prior to any ruling on the report

and recommendation, and still concludes that the report and recommendation is correct.

In addition, this Court treats the objections as a motion to alter or amend the judgment, thus making clear that the time for the plaintiff to file a notice of appeal runs from the entry of this order denying the motion—not from the earlier date of the judgment itself.

For these reasons,

IT IS ORDERED:

1. The plaintiff's objections, ECF No. 35, are deemed timely. Upon *de novo* review of the issues raised by the objections, the report and recommendation is again **accepted and adopted** as the court's opinion.

2. In addition to being treated as objections, the plaintiff's objections are also deemed a motion to alter or amend the judgment. The motion to alter or amend is **denied**.

SO ORDERED on May 8, 2014.

s/Mark E. Walker
United States District Judge