

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:09-cv-23293-KMM

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARVEY RUVIN, *et al.*,

Defendants.

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**ORDER ON REPORT AND RECOMMENDATION**

THIS CAUSE came before the Court upon United State Magistrate Judge Lauren F. Louis's Report and Recommendation ("R&R") (ECF No. 106). On April 11, 2023, this Court referred all pretrial matters to Magistrate Judge Louis. *See* ECF No. 105. On April 24, 2023, Magistrate Judge Louis issued the R&R, recommending that this Court **DENY** *pro se* Plaintiff Mattie Lomax's Application to Proceed in District Court Without Paying Fees or Costs (ECF No. 100) ("Mot."), which Magistrate Judge Louis construed as a Motion for Leave to Appeal In Forma Pauperis. *See generally* R&R. No objections to the R&R were filed, and the time to do so has now passed. The matter is now ripe for review. As set forth below, the Court **ADOPTS** the R&R.

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). The Court "must consider *de novo* any objection to the magistrate judge's recommendation." Fed. R. Crim. P. 59(b)(3). A *de novo* review is therefore required if a party files "a proper, specific objection" to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).

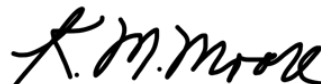
Yet when a party has failed to object or has not properly objected to the magistrate judge's findings, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *See Keaton v. United States*, No. 14-21230-CIV, 2015 WL 12780912, at \*1 (S.D. Fla. May 4, 2015); *see also Lopez v. Berryhill*, No. 17-CV-24263, 2019 WL 2254704, at \*2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge "evaluate[s] portions of the R & R not objected to under a clearly erroneous standard of review" (citing *Davis v. Apfel*, 93 F. Supp. 2d 1313, 1317 (M.D. Fla. 2000))).

In her Report and Recommendation, Magistrate Judge Louis recommends denying the Motion. R&R at 1. Namely, Magistrate Judge Louis finds that the Motion fails to state the issues that Plaintiff intends to present on appeal, as is required by Rule 24 of the Federal Rules of Appellate Procedure. R&R at 2. And Plaintiff "advances no explanation for her failure to comply with Federal Rule of Appellate Procedure 4(a), which generally provides for 30 days to file a notice of appeal." *Id.* at 3. Magistrate Judge Louis finds that the Motion is "procedurally deficient for failure to comply with Federal Rule of Appellate Procedure 24(a)(1). *Id.* This Court agrees.

Accordingly, UPON CONSIDERATION of the Motion, the R&R, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that:

1. Magistrate Judge Louis's R&R (ECF No. 106) is **ADOPTED**;
2. Plaintiff's Motion (ECF No. 100) is **DENIED**.

DONE AND ORDERED in Chambers at Miami, Florida, this 19th day of May 2023.



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K. MICHAEL MOORE  
UNITED STATES DISTRICT JUDGE

c: All counsel of record