

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

CASE NO. 10-20452-CIV-LENARD/WHITE

ALFRED WAYNE LEE,

Petitioner,

vs.

R. ALEXANDER ACOSTA, et al.,

Respondents.

**ORDER ADOPTING REPORT AND RECOMMENDATION OF THE
MAGISTRATE JUDGE (D.E. 25) AND DISMISSING
PETITION FOR WRIT OF MANDAMUS (D.E. 1)**


THIS CAUSE is before the Court on the Report and Recommendation of Magistrate Judge Patrick A. White (D.E. 25), issued on May 31, 2011, recommending that Petitioner Alfred Wayne Lee's Petition for Writ of Mandamus (D.E. 1) relating to his Freedom of Information Act Request be denied as moot. The Report finds that on May 9, 2011, the United States Attorney's Office for the Southern District of Florida complied with Petitioner's FOIA request and therefore Petitioner has received the relief requested. (Report at 1-2.) Consequently, his Petition should be dismissed as moot. (*Id.* at 2.) The Report also provides the parties with fourteen days to file objections to the Report. (*Id.*) To date, no objections to the Report have been filed.¹

¹ To the extent the Court can glean objections from Petitioner's Motion for Summary Judgment (D.E. 26), filed on June 2, 2011, it finds they are unpersuasive. Petitioner's Motion focuses on the bad faith on the part of the Government in taking nearly four years to respond to his FOIA request. This argument is irrelevant for the purposes of the Court's analysis.

Failure to timely file objections shall bar parties from attacking on appeal the factual findings contained in the report. *See Resolution Trust Corp. v. Hallmark Builders, Inc.*, 996 F.2d 1144, 1149 (11th Cir. 1993). Therefore, after an independent review of the Report and record, it is hereby **ORDERED AND ADJUDGED** that:

1. The Report and Recommendation of Magistrate Judge Patrick A. White (D.E. 25), issued on May 31, 2011, is **ADOPTED**;
2. Petitioner's Petition for Writ of Mandamus (D.E. 1), filed on February 12, 2010, is **DISMISSED** as moot;
3. All pending motions are **DENIED** as moot;
4. This Case is now **CLOSED**.

DONE AND ORDERED in Chambers at Miami, Florida this 15th day of September, 2011.


JOAN A. LENARD
UNITED STATES DISTRICT JUDGE