

In the United States District Court
For the Southern District of Georgia
Brunswick Division

FILED
Scott L. Poff, Clerk
United States District Court
By casbell at 11:33 am, Mar 10, 2017

JAMES MASI,

Plaintiff,

v.

GLYNN COUNTY DETENTION CENTER,

Defendant.

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CIVIL ACTION NO.: 2:17-cv-1

ORDER

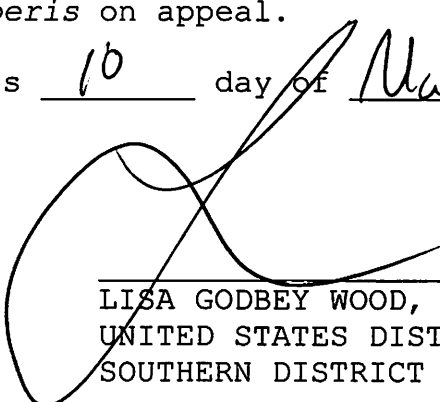
Presently before the Court is Plaintiff James Masi's ("Masi") Objections to the Magistrate Judge's Report and Recommendation dated February 8, 2017.1 Dkt. No. 13. In his Objections, Masi objects to the Magistrate Judge's Recommendation that this Court dismiss his Complaint for failure

1 Although Masi's pleading is docketed as a "letter" to the Court, a review of that pleading reveals that he is objecting to the Magistrate Judge's recommendation that that Court dismiss his Complaint. Dkt. No. 13. "Federal courts sometimes will ignore the legal label that a pro se litigant attaches to a motion and recharacterize the motion in order to place it within a different legal category." Retic v. United States, 215 F. App'x 962, 964 (11th Cir. 2007) (quoting Castro v. United States, 540 U.S. 375, 381 (2003)). Federal courts "may do so in order to avoid an unnecessary dismissal, to avoid inappropriately stringent application of formal labeling requirements, or to create a better correspondence between the substance of a pro se motion's claim and its underlying legal basis." Id. (quoting Castro, 540 U.S. at 381-82). Accordingly, Masi's letter is properly classified as an Objection to the Report and Recommendation.

to follow the Court's Order to amend his Complaint and for failure to state a claim. Id. at p. 1. Plaintiff asserts that he amended his Complaint, as ordered by the Court, but failed to submit his Amended Complaint via certified mail. Dkt. No. 13, p. 1. Plaintiff appears to argue, in the alternative, that he was unable to amend his Complaint because jail staff refused to provide him paper or envelopes. Id.

The Court **OVERRULES** Masi's Objections. Plaintiff's submission of seven letters to the Court, dkt nos. 4, 5, 7, 8, 9, 10, 11, following the Court's Order directing Plaintiff to amend his Complaint, dkt. no. 3, belies his contention that he was prevented from timely filing an amendment to his Complaint. Accordingly, after an independent and *de novo* review of the entire record, the Court **CONCURS** with and **ADOPTS** the Magistrate Judge's Report and Recommendation, dkt. no. 12, as the opinion of the Court, **DISMISSES** Plaintiff's Complaint, and **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case. The Court **DENIES** Plaintiff leave to appeal *in forma pauperis* on appeal.

**SO ORDERED**, this 10 day of March, 2017.

  
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LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA