

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

EDWIN TERRY WINFORD,

Plaintiff,

v.

Case No. 3:16-cv-816-J-34PDB

BENFORD SAMUEL,

Defendant.

EDWIN TERRY WINFORD,

Plaintiff,

v.

Case No. 3:16-cv-818-J-34PDB

BRIDGEFIELD CASUALTY
INSURANCE COMPANY,

Defendant.

ORDER

THIS CAUSE is before the Court on the Report & Recommendation entered by the Honorable Patricia D. Barksdale, United States Magistrate Judge, on April 5, 2018.¹ See Samuel Doc. 35; Bridgefield Doc. 25 (the "Report"). In the Report, Judge Barksdale recommends that these cases be dismissed without prejudice for failure to comply with the Court's order or to otherwise prosecute the cases and for failure to state a claim upon which relief may be granted. See Report at 5-6.

¹ Documents filed in Winford v. Samuel, Case No. 3:16-cv-816-J-34PDB will be referenced as "Samuel Doc. ____," and documents filed in Winford v. Bridgefield Casualty Insurance Company, Case No. 3:16-cv-818-J-34PDB will be referenced as "Bridgefield Doc. ____."

The Court “may accept, reject, or modify, in whole or in part, the finding or recommendations by the magistrate judge.” 28 U.S.C. § 636(b). If no specific objections to findings of facts are filed, the district court is not required to conduct a de novo review of those findings. See Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993); see also 28 U.S.C. § 636(b)(1). However, the district court must review legal conclusions de novo. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); United States v. Rice, No. 2:07-mc-8-FtM-29SPC, 2007 WL 1428615, at *1 (M.D. Fla. May 14, 2007).

On April 11, 2018, Plaintiff Edwin Terry Winford (“Winford”) filed his Objection [sic] Recommendation. See Samuel Doc. 36; Bridgefield Doc. 26 (“Objection”). In the Objection, Winford asks that the Court reassign the Magistrate Judge and makes additional conclusory complaints about “questionable business practices.” Objection at 1-2. To the extent Winford asks that the Magistrate Judge be reassigned, his request is not properly before the Court as it is not made in a motion supported by a memorandum of law as required by Rule 3.01, Local Rules, United States District Court, Middle District of Florida (Local Rule(s)). Even if it were made in such a manner, the request would be without merit. It appears that the basis for Winford’s request is his disagreement with the Magistrate Judge’s rulings in these matters. However, disagreement with a judge’s rulings provides no basis to seek to remove a judge from a case. See Byrne v. Nezhat, M.D., 261 F.3d 1075, 1102-03 (11th Cir. 2001); McWhorter v. City of Birmingham, 906 F.2d 674, 678-79 (11th Cir. 1990); Ivey v. Snow, Civil Action No. 1:05-CV-1150-JOF, 2007 WL 1810213, at *2 (N.D. Ga. June 21, 2007); United States v. Malmsberry, 222 F. Supp. 2d 1345, 1349 (M.D. Fla. 2002) (“a judge has as strong a duty to sit when there is

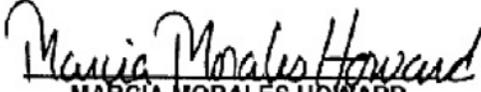
no legitimate reason to recuse as [s]he does to recuse when the law and facts require”). Thus, the Court will disregard Winford’s request and turn to the Objection itself.

Having reviewed the Objection, the Court notes that Winford does not identify any legal or factual error in the Report, nor does he make any attempt to explain his failure to prosecute these actions or to show cause why they should not be dismissed for his failure to do so. More importantly, Winford still has not presented the Court with amended complaints in either case, nor has he attempted to cure the pleading deficiencies identified by the Magistrate Judge. Thus, upon independent review of the file and for the reasons stated in the Magistrate Judge’s Report, the Court will overrule the Objection in both cases and accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. Plaintiff’s Objection [sic] Recommendation (Samuel Doc. 36; Bridgefield, Doc. 25) is **OVERRULED**.
2. The Magistrate Judge’s Report and Recommendation (Samuel Doc. 35; Bridgefield Doc. 26) is **ADOPTED** as the opinion of the Court.
3. These cases are **DISMISSED without prejudice**.
4. The Clerk of Court is directed to terminate all pending motions and deadlines as moot and close the files.

DONE AND ORDERED in Jacksonville, Florida, this 30th day of April, 2018.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Parties