

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

DANIEL JAMES SILVA,

Plaintiff,

-vs-

Case No. 3:17-cv-814-J-34JRK

TAYLOR ALISON SWIFT,

Defendant.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 9; Report), entered by the Honorable James R. Klindt, United States Magistrate Judge, on December 12, 2017. In the Report, Judge Klindt recommends that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. No. 2), construed as a Motion to Proceed In Forma Pauperis, be denied, and this case be dismissed without prejudice. See Report at 11.

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 January 8, 2018, Plaintiff belatedly filed his Response to Report and Recommendation (Dkt. No. 10; Objection). Plaintiff filed his Objection more than fourteen days after the entry of the Report, and as such, it is untimely. More importantly, Plaintiff's Objection lacks merit. Plaintiff's Objection is over 160 pages of single spaced stream of conscious rambling. At times, Plaintiff cites legal authority, although much of it has no applicability to the issues before the Court. At other times, he delves into lengthy personal discussion of his life and his thoughts regarding the Defendant. Nothing in the Objection discloses any error in the Magistrate Judge's analysis of the merits of the Second Amended Complaint. Thus, upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will overrule the Objection and accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. Plaintiff's Response to Report and Recommendation (Dkt. No. 10) is **OVERRULED**.
2. The Magistrate Judge's Report and Recommendation (Dkt. No. 9) is **ADOPTED** as the opinion of the Court.
3. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. No. 2), construed as a Motion to Proceed In Forma Pauperis, is **DENIED**.
4. This case is **DISMISSED without prejudice**.

5. The Clerk of Court is directed to terminate all pending motions and deadlines as moot and close the file.

DONE AND ORDERED in Jacksonville, Florida, this 1st day of May, 2018.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Party