

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAVID SCOTT HASTINGS,

Plaintiff,

v.

Case No: 2:18-cv-113-FtM-29NPM

JUSTIN DODD, individually,
and in his official
capacity, HOLLY COOPER,
individually, and in her
official capacity, SONYA
WALKER, individually, and in
her official capacity,
PATRICK ANLAUF,
individually, and in his
official capacity, and
NATALIE K. SAVINO,
individually and in her
official capacity,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #18), filed May 21, 2019, recommending that plaintiff's Amended Complaint (Doc. #13) be dismissed. No objections have been filed and the time to do so has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982),

cert. denied, 459 U.S. 1112 (1983). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, Garvey v. Vaughn, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. Southern Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); Castro Bobadilla v. Reno, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), aff'd, 28 F.3d 116 (11th Cir. 1994) (Table).

On January 31, 2019, plaintiff was provided one last opportunity to file a second amended complaint, with the caveat that the failure to comply with the directives of the Order would result in a recommendation of dismissal. (Doc. #15.) On February 20, 2019, plaintiff was provided an extension of time through March 29, 2019, to file a second amended complaint. (Doc. #17.) Finding no second amended pleading, the Magistrate Judge issued a Report and Recommendation (Doc. #18) for dismissal. On June 10, 2019, plaintiff was provided an extension of time to respond and file objections through July 10, 2019. (Doc. #20.) This deadline expired and no objections were filed. After conducting an independent examination of the file and upon due consideration of the Report and Recommendation, the Court accepts the Report and Recommendation of the magistrate judge.

Accordingly, it is now

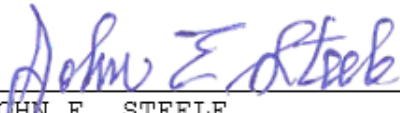
ORDERED:

1. The Report and Recommendation (Doc. #18) is hereby **adopted** and the findings incorporated herein.

2. Plaintiff's Amended Complaint (Doc. #13) is **DISMISSED**.

3. The Clerk shall enter judgment dismissing the case without prejudice, terminate all pending motions and deadlines, and close the file.

DONE and ORDERED at Fort Myers, Florida, this 16th day of July, 2019.



JOHN E. STEELE
SENIOR UNITED STATES DISTRICT JUDGE

Copies:
Hon. Douglas N. Frazier
United States Magistrate Judge

Counsel of Record
Unrepresented parties