

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

TOMMY CHANCI CASTLE, SR.,

Plaintiff,

v.

Case No: 6:18-cv-243-Orl-41GJK

**THE STATE OF FLORIDA,
GOVERNOR RICK SCOTT and
INTERNAL REVENUE SERVICE,**

Defendants.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motions for Affidavit of Service (Doc. Nos. 7, 8), Plaintiff's Motion to Add Evidence (Doc. 12), and Plaintiff's Motion for Default Judgment (Doc. 15). United States Magistrate Judge Gregory J. Kelly issued a Report and Recommendation (Doc. 16), recommending that Plaintiff's Motions for Affidavit of Service and his Motion for Default Judgment be denied, that his Motion to Add Evidence be denied as moot, and that Plaintiff's Complaint be dismissed. Plaintiff filed an Objection (Doc. 17) to the Report and Recommendation.

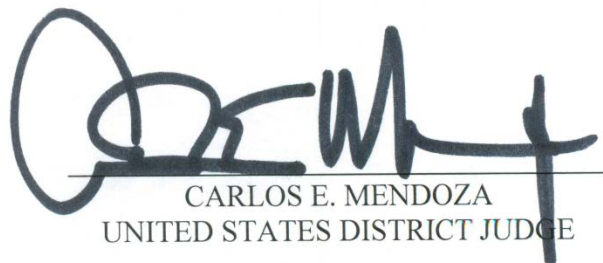
Pursuant to 28 U.S.C. § 636(b)(1), when a party makes a timely objection, the Court shall review *de novo* any portions of a magistrate judge's report and recommendation concerning specific proposed findings or recommendations to which an objection is made. *See also* Fed. R. Civ. P. 72(b)(3). *De novo* review "require[s] independent consideration of factual issues based on the record." *Jeffrey S. v. State Bd. of Educ. of Ga.*, 896 F.2d 507, 513 (11th Cir. 1990) (per curiam). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1).

The crux of Plaintiff's Objection is that he told the Court he served all of the Defendants, which should be sufficient to prove proper service of process. Judge Kelly provides the correct legal framework for service of process, and Plaintiff has failed to comply with the Federal Rules of Civil Procedure. The remainder of Plaintiff's Objection addresses the merits of his case, which are not at issue at this time.

Accordingly, after a *de novo* review of the record, the Court agrees entirely with the analysis in the Report and Recommendation. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 16) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Motions for Affidavit of Service (Doc. Nos. 7, 8), and Plaintiff's Motion for Default Judgment (Doc. 15) are **DENIED**.
3. Plaintiff's Motion to Add Evidence (Doc. 12) is **DENIED as moot**.
4. This case is **DISMISSED**.
5. The Clerk is directed to close this case.

DONE and **ORDERED** in Orlando, Florida on January 18, 2019.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party