

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAVID SCOTT HASTINGS,

Plaintiff,

v.

Case No: 2:18-cv-775-FtM-99NPM

BRUCE E. KYLE, as Circuit
Judge of the Twentieth
Judicial Circuit of Florida,
JOSEPHINE GAGLIARDIA, as
Circuit Judge of the
Twentieth Judicial Circuit
of Florida, H. ANDREW SWETT,
as Circuit Judge of the
Twentieth Judicial Circuit
of Florida, and MARIE E.
GONZALEZ, as Circuit Judge
of the Twentieth Judicial
Circuit of Florida,

Defendants.

OPINION AND ORDER

This matter is before the Court on consideration of the Magistrate Judge's Report and Recommendation (Doc. #11), filed May 22, 2019, recommending that the Complaint (Doc. #1) 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 March 4, 2019, the Magistrate Judge granted plaintiff an extension of time to file an amended complaint a prisoner's account statement as previously directed. (Doc. #10.) Finding no response, the Report and Recommendation was issued. Plaintiff was granted an extension of time to file objections through July 10, 2019. (Doc. #13.) No objections were filed by this date. 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.

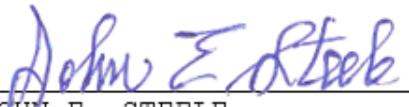
Accordingly, it is now

ORDERED:

1. The Report and Recommendation (Doc. #11) is hereby **adopted** and the findings incorporated herein.
2. Plaintiff's Complaint (Doc. #1) is **dismissed** without prejudice.

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