

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DIONE ANDERSON,

Plaintiff,

v.

Case No. 8:18-cv-1285-T-33TGW

KARIN KEARNS and G&H COMPANY,

Defendants.

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ORDER

This cause comes before the Court upon consideration of United States Magistrate Judge Wilson's Report and Recommendation (Doc. # 8), entered on May 31, 2018. Judge Wilson recommended that pro se Plaintiff Dione Anderson's Motion for Leave to Proceed *In Forma Pauperis* (Doc. # 2), Emergency Motion to Stay Eviction (Doc. # 3) and Emergency Motion to Expedite Case (Doc. # 7) be denied. The Court granted Anderson two extensions to file any objections to the Report and Recommendation. (Doc. ## 11, 19). As of the date of this Order, no objections have been filed and the time for filing objections has lapsed. The Court adopts the Report and Recommendation and denies the Motions.

I. Background

Anderson, proceeding pro se, filed an Emergency Complaint on May 29, 2018. (Doc. # 1). The Complaint is a series of handwritten counts, seeming to allege that Anderson's landlord, Defendant

Karin Kearns, discriminated against her. (Id.). In the Complaint, Anderson states that Kearns called the police on her, turned off her water, placed her belongings in the trash, and did not give her proper notice of eviction after Anderson failed to pay her rent. (Id.). After filing the Complaint, Anderson filed a Motion for Leave to Proceed *In Forma Pauperis* (Doc. # 2), an Emergency Motion to Stay Eviction (Doc. # 3), and an Emergency Motion to Expedite Case (Doc. # 7), which were referred to Judge Wilson. Judge Wilson subsequently entered the Report and Recommendation considered herein. (Doc. # 8).

Thereafter, Anderson filed an Emergency Amended Complaint on June 13, 2018 - the operative complaint in this action. (Doc. # 9). Anderson sought, and the Court granted, two extensions to file objections to the Report and Recommendation. (Doc. ## 11, 19). Anderson also filed an Amended Motion for Leave to Proceed *In Forma Pauperis*, which was referred to Judge Wilson. (Doc. # 16). No objections to the Report and Recommendation have been filed, and the time to file objections has lapsed.

II. Discussion

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). 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)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. See Cooper-Houston v. S. 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).


After conducting a careful and complete review of the findings, conclusions and recommendations, and giving *de novo* review to matters of law, the Court accepts the factual findings and legal conclusions of the Magistrate Judge and the recommendation of the Magistrate Judge.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 8) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff Dione Anderson's Motion for Leave to Proceed *In Forma Pauperis* (Doc. # 2), Emergency Motion to Stay Eviction (Doc. # 3) and Emergency Motion to Expedite Case (Doc. # 7) are **DENIED** without prejudice.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 26th day of June, 2018.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE