

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

JAMES FISHER,

Petitioner,

-vs-

Case No. 3:18-cv-1299-J-34MCR

IN THE INTEREST OF DUSTIN YACCARINO,

Respondent.

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**ORDER**

**THIS CAUSE** is before the Court on the Report and Recommendation (Dkt. No. 4; Report), entered by the Honorable Monte C. Richardson, United States Magistrate Judge, on November 19, 2018. In the Report, Judge Richardson recommends that Petitioner's Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. No. 2) be denied, and the case dismissed without prejudice for lack of subject matter jurisdiction. See Report at 4. Petitioner has failed to file objections to the Report, and the time for doing so has now passed.

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).

Upon independent review of the file and for the reasons stated in the Magistrate Judge's Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

**ORDERED:**

1. The Magistrate Judge's Report and Recommendation (Dkt. No. 4) is **ADOPTED** as the opinion of the Court.
2. Petitioner's Application to Proceed in District Court Without Prepaying Fees or Costs (Dkt. No. 2) is **DENIED**.
3. This case is **DISMISSED without prejudice** for lack of subject matter jurisdiction.
4. 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 10th day of December, 2018.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:

Counsel of Record  
Pro Se Party