

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LIVIA M. SCOTTO,

Plaintiff,

v.

Case No. 8:18-cv-1433-T-33JSS

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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ORDER

This matter is before the Court on consideration of United States Magistrate Judge Julie S. Sneed's Report and Recommendation (Doc. # 8), filed on June 26, 2018, recommending that Plaintiff Livia M. Scotto's Motion for Leave to Proceed *in forma pauperis* (Doc. # 2) be denied without prejudice, her Complaint (Doc. # 1) be dismissed with leave to amend, and her Emergency Motion for Extension of Time to Pay Filing Fees (Doc. # 5) be denied. Judge Sneed notes that the Complaint "does not meet the pleading requirements of Federal Rule of Civil Procedure 8" because it "fails to establish that this Court has subject-matter jurisdiction over [Scotto's] claim and fails to state a claim on which relief may be granted." (Doc. # 8 at 2-3). On July 2, 2018, Scotto filed a construed Objection to the Report and Recommendation. (Doc. # 10).

The Court accepts and adopts the Report and Recommendation, denies the Motion for Leave to Proceed *in forma pauperis* without prejudice, denies the Emergency Motion for Extension of Time to Pay Filing Fees, and dismisses the Complaint with leave to amend by September 25, 2018.

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 recommendation. 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).

Upon due consideration of the record, including Judge Sneed's Report and Recommendation as well as Scotto's Objection thereto, the Court overrules the Objection and adopts the Report and Recommendation. The Court agrees with Judge Sneed's detailed and well-reasoned findings of fact and conclusions of law. The Report


and Recommendation thoughtfully addresses the issues presented, and the Objection does not provide a basis for rejecting the Report and Recommendation.

Accordingly, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 8) is **ACCEPTED** and **ADOPTED**.
- (2) Plaintiff Livia M. Scotto's Motion for Leave to Proceed *in forma pauperis* (Doc. # 2) is **DENIED** without prejudice. Scotto is directed to file a renewed Motion for Leave to Proceed *in forma pauperis* or pay the filing fee by **September 25, 2018**.
- (3) Scotto's Emergency Motion for Extension of Time to Pay Filing Fees (Doc. # 5) is **DENIED**.
- (4) Scotto's Complaint (Doc. # 1) is **DISMISSED** without prejudice and with leave to file an amended complaint that complies with the Federal Rules of Civil Procedure by **September 25, 2018**.
- (5) The Court advises Scotto that failure to file an amended complaint and renewed Motion for Leave to Proceed *in forma pauperis* by September 25 will result in dismissal and case closure without further notice.

DONE and ORDERED in Chambers in Tampa, Florida, this 5th day
of September, 2018.



VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE