

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

STATE OF FLORIDA,

Plaintiff,

v.

Case No: 6:18-cv-1937-Orl-40TBS

JOAO MORALES,

Defendant.

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ORDER

This cause comes before the Court on *pro se* Plaintiff Joao Morales' Motion for Leave to Proceed *in forma pauperis* (Doc. 6 (the "**Motion**")) to pursue an appeal of the Court's November 20, 2018, Order (Doc. 4). Magistrate Judge Thomas B. Smith submitted a Report & Recommendation (Doc. 8 (the "**Report**")) on December 4, 2018. In the Report, Magistrate Judge Smith recommends the Motion be denied on the basis that Plaintiff's appeal "lacks any arguable merit." (*Id.* at p. 3). Plaintiff did not object to the Report and the time for doing so has passed.

When litigants fail to object to a magistrate's findings, the district court reviews the report and recommendation for clear error. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at *1 (M.D. Fla. Jan. 28, 2016). Upon review of the Report for clear error, the Court has found none. The Court agrees with the Report's finding that the appeal—and Plaintiff's case more broadly—is wholly frivolous. Therefore, the Report is due to be adopted in its entirety.

Accordingly, it is **ORDERED** and **ADJUDGED** that:

1. The Magistrate Judge's December 4, 2018, Report and Recommendation (Doc. 8) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 6) is **DENIED**.

DONE AND ORDERED in Orlando, Florida on January 2, 2019.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties