

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JEJUAN SIMS,

Plaintiff,

v.

CASE No.: 8:18-cv-2397-T-33SPF

TAMPA POLICE DEPARTMENT,

Defendant.

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ORDER

This matter is before the Court on consideration of the Report and Recommendation of the Honorable Sean P. Flynn, United States Magistrate Judge (Doc. # 6), filed October 29, 2018. Judge Flynn recommends Plaintiff Jejuan Sims's Motion to Proceed *in forma pauperis* (Doc. # 2) be denied and Sims's Complaint be dismissed without prejudice, with leave to amend. Specifically, Judge Flynn recommends that Jejuan be authorized to file an Amended Complaint that sets forth a factual basis for the Court's jurisdiction and for his claims. No objections have been filed, and the time for the submission of objections has expired.

Discussion

A district judge may accept, reject or modify the magistrate judge's report and recommendation after a careful

and complete review of the findings and recommendations has been conducted. 28 U.S.C. § 636(b)(1); Williams v. Wainwright, 681 F.2d 732 (11th Cir. 1982). The district judge will review 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). 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).

After conducting a careful and complete review of the findings, conclusions, and recommendations, and giving *de novo* review to the 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

ORDERED, ADJUDGED, and DECREED:

- (1) The Report and Recommendation (Doc. # 6) is **ACCEPTED** and **ADOPTED**.

- (2) Plaintiff Jejuan Sims's Motion to Proceed *in forma pauperis* (Doc. # 2) is **DENIED**.
- (3) Sims's Complaint (Doc. # 1) is **DISMISSED** without prejudice.
- (4) Sims is authorized to file an Amended Complaint that corrects the issues identified in the Report and Recommendation by **December 5, 2018**, failing which the Court will dismiss and close the case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 16th day of November, 2018.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE