

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

GREGORY SYKES,

Plaintiff,

v.

Case No: 8:19-cv-19-T-35SPF

HILLSBOROUGH COMMUNITY
COLLEGE,

Defendant.

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ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* and Affidavit of Indigency. (Dkt. 2) On January 31, 2019, United States Magistrate Judge Sean P. Flynn issued a Report and Recommendation, finding that Plaintiff's Complaint "fails to state a claim for which relief may be granted." (Dkt. 5) As such, Judge Flynn recommended that Plaintiff's Complaint be dismissed and his motion to proceed *in forma pauperis* be denied. (Id.) Plaintiff has not filed an objection to the Report and Recommendation, and the time for doing so has passed.

In the Eleventh Circuit, a district judge may accept, reject, or modify a magistrate judge's report and recommendation after conducting a careful and complete review of the findings and recommendations. 28 U.S.C. § 636(b)(1); see Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). A district judge "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This

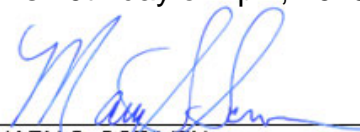
requires that the district judge “give fresh consideration to those issues to which specific objection has been made by a party.” Jeffrey S. v. State Bd. of Educ., 896 F.2d 507, 512 (11th Cir. 1990) (quoting H.R. 1609, 94th Cong. § 2 (1976)). In the absence of specific objections, there is no requirement 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. Southern Ry., 37 F.3d 603, 604 (11th Cir. 1994).

Upon consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 5), is **CONFIRMED** and **ADOPTED** as part of this Order;
2. Plaintiff’s Complaint, (Dkt. 1), is **DISMISSED**;
3. Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis* and Affidavit of Indigency, (Dkt. 2), is **DENIED**; and
4. The **CLERK** is directed to **CLOSE** this case.

DONE and **ORDERED** in Tampa, Florida, this 10th day of April, 2019.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person