

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

PETER ORTIZ,

Plaintiff,

v.

CASE NO. 8:19-cv-168-T-02SPF

WASTE MANAGEMENT INC. OF  
FLORIDA and CARLOS GARCIA,

Defendants.

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**ORDER**

This cause comes before the Court on a Motion to Appeal *In Forma Pauperis* (Dkt. 27), which was referred to United States Magistrate Judge Sean P. Flynn. The magistrate judge considered the motion and issued a report recommending the motion be denied. Dkt. 28. No objection has been filed.

When ruling on a magistrate's report and recommendation, the Court may "accept, reject or modify in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). If objections are filed, a *de novo* determination is required "of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b)(3). Legal conclusions are reviewed *de novo*, even in the absence of an objection. *See LeCroy v. McNeil*,

397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).

Plaintiff appealed this Court's order of dismissal. Dkt. 24. Although Plaintiff was initially granted indigent status in this Court (Dkt. 6), Plaintiff has no right to appeal *in forma pauperis*. The magistrate judge found that Plaintiff fails to identify any good faith issue to be addressed on appeal. Dkt. 28 at 2. In the absence of legal issues to be appealed, the Court is unable to determine whether the appeal is taken in good faith. *See* cases cited at Dkt. 28 at 2.

For the reasons explained in the report and recommendation, and based on an independent review of the case, Judge Flynn's report and recommendation (Dkt. 28) is adopted as part of this Order, confirmed, and approved in all respects.

Accordingly, the Court rules as follows:

1) Plaintiff's Motion to Appeal *In Forma Pauperis* (Dkt. 27) is denied. Counsel for Plaintiff is directed to send a copy of this order to Plaintiff Peter Ortiz and file proof of same.

1) The Clerk is directed to close the case.

**DONE AND ORDERED** at Tampa, Florida, on June 25, 2019.

s/William F Jung  
**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record