

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

EUGENE HARDIN,

Plaintiff,

v.

Case No: 8:21-cv-2980-MSS-AEP

**OAKLEY TRANSPORT INC. and
OAKLEY TRANSPORTATION
GROUP INC.,**

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Motion for Leave to File a Seventh Amended Complaint, (Dkt. 119), and Defendants' response in opposition thereto. (Dkt. 120) On March 19, 2024, United States Magistrate Judge Anthony E. Porcelli issued a Report and Recommendation, (Dkt. 124), which recommended Plaintiff's Motion be denied. Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court **ADOPTS** the Report and Recommendation and **DENIES** Plaintiff's Motion for Leave to File a Seventh Amended Complaint.


In the Eleventh Circuit, a district judge may accept, reject, or modify the 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); Williams v.

Wainwright, 681 F.2d 732, 732 (11th Cir. 1982). 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)). Absent 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 the Report and Recommendation should be adopted, confirmed, and approved in all respects. Accordingly, it is **ORDERED** that:

1. The Report and Recommendation, (Dkt. 124), is **CONFIRMED** and **ADOPTED** as part of this Order.
2. Plaintiff’s Motion for Leave to File a Seventh Amended Complaint, (Dkt. 119), is **DENIED**.

DONE and **ORDERED** in Tampa, Florida, this 3rd day of April 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person