

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

ANTHONY REED SERGENT,

Plaintiff,

v.

Case No. 3:23-cv-1323-MMH-MCR

ACTING COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

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ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 7; Report), entered by the Honorable Monte C. Richardson, United States Magistrate Judge, on November 8, 2023. In the Report, Judge Richardson recommends that Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Dkt. No. 2; Motion) be denied and that Plaintiff be ordered to pay the filing fee within sixty (60) days of the Court's Order. See Report at 1, 4.

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). Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court "must determine de novo any part of the magistrate judge's disposition that has been properly objected to." See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1).

However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.¹ As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

Upon independent review of the Magistrate Judge’s Report, the Court will accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

ORDERED:

1. The Magistrate Judge’s Report and Recommendation (Dkt. No. 7) is **ADOPTED** as the opinion of the Court.

¹ The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 1, n.1.

2. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Dkt. No. 2) is **DENIED**.

3. Plaintiff shall have up to and including **January 29, 2024**, to pay the filing fee. Failure to do so will result in the dismissal of this action without prejudice.

DONE AND ORDERED in Jacksonville, Florida, this 4th day of December, 2023.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record