

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MARK LINDSAY NUCKOLS,

Plaintiff,

v.

Case No: 8:23-cv-1487-MSS-CPT

TRUSTEES OF DARTMOUTH
COLLEGE and TUCK SCHOOL OF
BUSINESS,

Defendants.

ORDER

THIS CAUSE comes before the Court for consideration of Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs, (Dkt. 2), which the Court construes as a motion to proceed *in forma pauperis*. Also before the Court is Plaintiff's Complaint. (Dkt. 1) On January 26, 2024, United States Magistrate Judge Christopher P. Tuite issued a Report and Recommendation, (Dkt. 5) which recommended Nuckols's Motion to Proceed *In Forma Pauperis* be denied without prejudice and Nuckols's Complaint be dismissed with leave to amend. The parties have not objected to Judge Tuite's Report and Recommendation and the deadline for doing so has passed. Upon consideration of all relevant filings, case law, and being otherwise fully advised, the Court **DENIES** Plaintiff's Motion to Proceed *In Forma Pauperis* without prejudice and **DISMISSES** the Complaint with leave to amend.


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. 5), is **CONFIRMED** and **ADOPTED** as part of this Order.

2. Plaintiff's Motion to Proceed *In Forma Pauperis*, (Dkt. 2), is **DENIED** without prejudice.
3. The Complaint, (Dkt. 1), is **DISMISSED** with leave to amend.
4. Plaintiff is **DIRECTED** to file a renewed motion to proceed *in forma pauperis* if Plaintiff files an amended complaint.

DONE and **ORDERED** in Tampa, Florida, this 14th day of February 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person