

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

LEON BRIGHT,

Plaintiff,

v.

Case No: 8:23-cv-2414-TPB-TGW

ROBOGISTICS CO., et al.,

Defendants.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the report and recommendation of United States Magistrate Thomas G. Wilson, entered on November 13, 2023. (Doc. 5).

Judge Wilson recommends that Plaintiff's complaint be dismissed without prejudice, with leave to file an amended complaint, and that ruling on Plaintiff's motion to proceed without payment of costs (Doc. 2) be deferred pending the filing of an amended complaint and further review. Plaintiff filed no objection but filed a motion for "clarification" that takes issue with the report and recommendation. (Doc. 6).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the

[report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Wilson’s report and recommendation, the Court adopts the report and recommendation in its entirety. The Court agrees with Judge Wilson’s well-reasoned factual findings and conclusions, and the arguments in Plaintiff’s motion for clarification, construed as an objection to the report and recommendation, do not provide any basis for overruling the report and recommendation.¹

Accordingly, it is hereby

ORDERED, ADJUDGED, and DECREED:

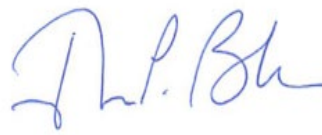
- (1) Judge Wilson’s report and recommendation (Doc. 5) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**, with leave to amend.
- (3) Plaintiff is **DIRECTED** to file an amended complaint on or before March 26, 2024. Failure to file an amended complaint as directed will result in this Order becoming a final judgment. *See Auto. Alignment & Body Serv.*,

¹ The Court by will address Plaintiff’s motion for clarification by separate order.

Inc. v. State Farm Mut. Auto. Ins. Co., 953 F.3d 707, 719-20 (11th Cir. 2020).

- (4) Ruling on Plaintiff's motion to proceed without payment of costs (Doc. 2) is **DEFERRED**.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 5th day of March, 2024.



TOM BARBER
UNITED STATES DISTRICT JUDGE