

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOHN E. CASABURRO,

Plaintiff,

v.

Case No: 6:24-cv-316-JSS-LHP

STEPHEN G. WEISS II and
CHARLES HEACOCK,

Defendants.

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ORDER

Plaintiff John E. Casaburro, proceeding pro se, brought this action against Defendants for alleged violations of the Americans with Disabilities Act. (Dkt. 1.) On September 24, 2024, United States Magistrate Judge Leslie Hoffman Price entered a report and recommendation recommending that Plaintiff's complaint (Dkt. 1) be dismissed without prejudice for lack of subject matter jurisdiction and that the dismissal be without leave to amend as amendment would be futile. (Dkt. 96 at 19.) No party has objected, and the time to do so has expired. *See* 28 U.S.C. § 636(b)(1).

After conducting a careful and complete review of the findings and recommendations, a district judge “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. With respect to non-dispositive matters, the district judge “must consider timely objections and modify or set aside any part of the

order that is clearly erroneous or is contrary to law.” Fed. R. Civ. P. 72(a); *see Jordan v. Comm’r, Miss. Dep’t of Corr.*, 947 F.3d 1322, 1327 (11th Cir. 2020). For dispositive matters, the district judge must conduct a de novo review of any portion of the report and recommendation to which a timely objection is made. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *United States v. Farias-Gonzalez*, 556 F.3d 1181, 1184 n.1 (11th Cir. 2009) (“A district court makes a de novo determination of those portions of a magistrate’s report to which objections are filed.”). Even in the absence of a specific objection, the district judge reviews any legal conclusions de novo. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm’rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

Upon conducting a careful and complete review of the Magistrate Judge’s findings, conclusions, and recommendations, and giving de novo review to matters of law, the court adopts the report and recommendation in full.

Accordingly, Plaintiff’s complaint (Dkt. 1) is **DISMISSED without prejudice** for lack of subject matter jurisdiction. The Clerk is directed to terminate any pending motions and deadlines and thereafter close this case.

ORDERED in Orlando, Florida, on October 15, 2024.



JULIE S. SNEED
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Party