

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

CHRISTINA D. THUNDATHIL,

Plaintiff,

v.

Case No: 8:24-cv-399-MSS-AAS

UNITED STATES OF AMERICA  
DEPARTMENT OF VETERANS  
AFFAIRS, et al.,

Defendants.

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**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) The Court warned Plaintiff that failure to timely file an amended complaint by March 29, 2024 may result in a recommendation of denial of the motion to proceed *in forma pauperis*. (Dkt. 4) On April 4, 2024, United States Magistrate Judge Amanda Arnold Sansone issued a Report and Recommendation, (Dkt. 5) which recommended Plaintiff's Motion to Proceed *In Forma Pauperis* be denied and the Complaint be dismissed without prejudice. The Parties have not objected to Judge Sansone'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* and **DISMISSES** the Complaint without prejudice.

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**.
3. The Complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk is directed to **CLOSE THIS CASE**.

**DONE** and **ORDERED** in Tampa, Florida, this 22nd day of April 2024.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel of Record  
Any Unrepresented Person