

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

**SHERRY N. LEE,**

**Plaintiff,**

**v.**

**Case No: 8:24-cv-00416-MSS-CPT**

**HEATHER LEE,**

**Defendant.**

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**ORDER**

**THIS CAUSE** comes before the Court for consideration of Plaintiff's Motion to Proceed In Forma Pauperis, (Dkt. 3). On September 11, 2024, United States Magistrate Judge Christopher P. Tuite issued a Report and Recommendation, recommending: (i) denial without prejudice of Plaintiff's Motion to Proceed In Forma Pauperis, (Dkt. 3); (ii) dismissal without prejudice of Plaintiff's Complaint, (Dkt. 1); (iii) granting Plaintiff leave to file, within thirty (30) days of the Court's Order, an amended complaint that properly pleads one or more cognizable causes of action over which the Court has jurisdiction; and (iv) cautioning Plaintiff that failure to comply with this directive may result in the dismissal of her case without further notice. (Dkt. 5) The time to file written objections to the Report and Recommendation's factual findings and legal conclusions has passed, and Plaintiff has not filed any written objections.


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); Williams v. Wainwright, 681 F.2d 732, 732 (11th Cir. 1982), cert. denied, 459 U.S. 1112 (1983). 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)). In the absence of 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 that 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. 3), is **DENIED WITHOUT PREJUDICE**.
3. Plaintiff's Complaint, (Dkt. 1), is **DISMISSED WITHOUT PREJUDICE**.
4. If Plaintiff seeks to file an amended complaint, she may do so no later than thirty (30) days from the date of this Order. Plaintiff is warned that if she attempts to file an amended complaint without a fair basis in fact or law, she may be subjected to sanctions pursuant to Fed. R. Civ. P. 11.<sup>1</sup>
5. Failure to file an amended complaint within the time allotted as directed will result in this Order becoming a final judgment and dismissal of Plaintiff's case with prejudice. See *Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 719-20 (11th Cir. 2020).

**DONE** and **ORDERED** in Tampa, Florida, this 17th day of October 2024.

  
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MARY S. SCRIVEN  
UNITED STATES DISTRICT JUDGE

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

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<sup>1</sup> To the extent Plaintiff intends to continue to represent herself in this matter, she should familiarize herself with both the Federal Rules of Civil Procedure and the Local Rules for the Middle District of Florida, copies of which can be reviewed in the Clerk's Office, located on the second floor of the Sam M. Gibbons United States Courthouse, 801 North Florida Avenue, Tampa, Florida, or on the court's website at <https://www.flmd.uscourts.gov/local-rules>.