

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

LINWOOD L. RIVERA, SR.,

Plaintiff,

v.

Case No. 3:24-cv-640-MMH-SJH

THE CITY OF JACKSONVILLE, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Dkt. No. 14; Report), entered by the Honorable Samuel J. Horovitz, United States Magistrate Judge, on October 9, 2024. In the Report, Judge Horovitz recommends that this case be dismissed without prejudice. See Report at 1, 19. On October 21, 2024, Plaintiff filed objections to the Report. See Plaintiff's Objections to the Report and Recommendations (Dkt. No. 15; Objections).

The Court “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). Pursuant to Rule 72, Federal Rules of Civil Procedure (Rule(s)), the Court “must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.” See Rule 72(b)(3); see also 28 U.S.C. § 636(b)(1).

However, a party waives the right to challenge on appeal any unobjected-to factual and legal conclusions. See 11th Cir. R. 3-1.¹ As such, the Court reviews those portions of the Magistrate Judge’s findings to which no objection was filed for plain error and only if necessary, in the interests of justice. See id.; see also Thomas v. Arn, 474 U.S. 140, 150 (1985) (“It does not appear that Congress intended to require district court review of a magistrate [judge’s] factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings.”); Dupree v. Warden, 715 F.3d 1295, 1304-05 (11th Cir. 2013) (recommending the adoption of what would become 11th Circuit Rule 3-1 so that district courts do not have “to spend significant amounts of time and resources reviewing every issue—whether objected to or not.”).

In the Objections, Plaintiff expresses his disagreement with the findings in the Report and complains that the “report was conducted in a bias [sic] manner.” Objections at 1. However, he fails to identify any factual or legal error in the Magistrate Judge’s analysis. As such, upon independent review of the file and for the reasons stated in the Magistrate Judge’s Report, the Court will overrule the Objections and accept and adopt the legal and factual conclusions recommended by the Magistrate Judge. Accordingly, it is hereby

¹ The Magistrate Judge properly informed the parties of the time period for objecting and the consequences of failing to do so. See Report at 20.

ORDERED:

1. Plaintiff's Objections to the Report and Recommendations (Dkt. No. 15) are **OVERRULED**.
2. The Magistrate Judge's Report and Recommendation (Dkt. No. 14) is **ADOPTED** as the opinion of the Court.
3. This case is **DISMISSED without prejudice**.
4. The Clerk of Court is directed to enter judgment dismissing this case, terminate all pending motions and deadlines as moot, and close the file.

DONE AND ORDERED in Jacksonville, Florida, this 5th day of November, 2024.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Party