

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LUIS A. GOMEZ,
Plaintiff,

v.

Case No. 8:24-cv-1047-KKM-NHA

CAPITAL ONE BANK, N.A.

Defendant.

ORDER

In an August 5, 2024, report (Doc. 9), the United States Magistrate Judge recommends both denial of pro se Plaintiff Luis Gomez's motion to proceed in forma pauperis and dismissal of this action for a lack of subject-matter jurisdiction. The deadline to object has passed without an objection.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review of that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even absent an objection. *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).

Absent an objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Report and Recommendation. Gomez's in forma pauperis motion is denied and his action must be dismissed for a lack of subject-matter jurisdiction.

As an additional basis for dismissal, the Court ordered Gomez, by September 9, 2024, to either file a Certificate of Interested Persons and Corporate Disclosure Statement or to show cause for failing to do so. *See* (Doc. 10). Gomez has filed neither. Therefore, his action is dismissed for failure to prosecute and failure to comply with court orders. *See* Local Rule 3.10.

Accordingly:

1. The Magistrate Judge's Report and Recommendation (Doc. 9) is **ADOPTED** and incorporated into this Order for all purposes.
2. Gomez's Motion to Proceed In Forma Pauperis (Doc. 5) is **DENIED**.
3. Gomez's action is **DISMISSED WITHOUT PREJUDICE** for a lack of subject-matter jurisdiction, for failure to prosecute, and for failure to comply with court orders.
4. The Clerk is directed to **CLOSE** this case and mail Gomez a copy of this Order.

ORDERED in Tampa, Florida, on September 12, 2024.

/s/ Steven D. Merryday _____
STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE*

* Signed by Judge Steven D. Merryday to expedite the resolution of this motion. This case remains assigned to Judge Kathryn Kimball Mizelle.