

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, TAMPA DIVISION**

Zachery Pernell Hicks v. The Home Depot Store #0256

Hicks · No. 8:25-cv-2944-TPB-NHA · Decided January 8, 2026

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA TAMPA DIVISION
ZACHERY PERNELL HICKS, Plaintiff, v. Case No. 8:25-cv-2944-TPB-NHA THE HOME
DEPOT STORE #0256, Defendant. _____/ ORDER
ADOPTING REPORT AND RECOMMENDATION This matter is before the Court on
consideration of the report and recommendation of Natalie Hirt Adams, United States Magistrate
Judge, entered on December 18, 2025.

(Doc. 7). Judge Adams recommends that Plaintiff’s motion to proceed in forma pauperis (Doc. 4)
be denied and Plaintiff’s complaint (Doc. 1) be dismissed without prejudice, subject to the right of
Plaintiff to file an amended complaint and amended motion to proceed in forma pauperis. No
party has objected, and the time to object has expired.

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); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, Page 1
of 3 681 F.2d 732 (11th Cir. 1982). A district court must “make a de novo determination of those
portions of the [report and recommendation] to which an objection is made.” 28 U.S.C. § 636(b)
(1)(C).

When no objection is filed, a court reviews the report and recommendation for clear error. *Macort
v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409
(5th Cir. 1982). Upon due consideration of the record, including Judge Adams’s well- reasoned
report and recommendation, the Court adopts the report and recommendation.

Consequently, Plaintiff’s motion to proceed in forma pauperis is denied without prejudice, and
Plaintiff’s complaint is dismissed without prejudice. Accordingly, it is ORDERED, ADJUDGED,
and DECREED: (1) The report and recommendation (Doc. 7) is AFFIRMED and ADOPTED and
INCORPORATED BY REFERENCE into this Order for all purposes, including appellate review.

(2) Plaintiff’s motion to proceed in forma pauperis is DENIED without prejudice. Page 2 of 3 (3)
The complaint (Doc. 1) is DISMISSED WITHOUT PREJUDICE, subject to the right of Plaintiff
to file an amended complaint and amended motion to proceed in forma pauperis on or before

February 6, 2026. (A) Failure to file an amended complaint as directed will result in this Order becoming a final judgment.

See *Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 719-20 (11th Cir. 2020). Failure to file an amended motion to proceed in forma pauperis may result in this case being dismissed without prejudice without further notice. DONE and ORDERED in Chambers, in Tampa, Florida, this 8th day of January, 2026. NAP. GA. TOMBARBER UNITED STATES DISTRICT JUDGE Page 3 of 3