

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

**Gerald Pluviose v. PHH Mortgage, Rushmore Loan Management,
U.S. Bank National Association**

Pluviose · No. 2:24-cv-988-KCD-DNF · Decided November 26, 2025

OPINION

Pluviose

PER CURIAM.

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF FLORIDA

FORT MYERS DIVISION

GERALD PLUVIOSE,

Plaintiff, Case No. 2:24-cv-988-KCD-DNF v.

PHH MORTGAGE, RUSHMORE

LOAN MANAGEMENT, U.S.

BANK NATIONAL ASSOCIATION,

Defendants, /

ORDER

Before the Court is United States Magistrate Judge Douglas N. Frazier’s Report and Recommendation (“R&R”) (Doc. 76).¹ Judge Frazier recommends that Plaintiff’s motion to proceed in forma pauperis on appeal be denied. No party objected, so the matter is ripe for review. After conducting a careful and complete review of the findings and recommendations, a district judge “may accept, reject, or modify, in whole or in part,” a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1)(C). In the absence of specific objections, there is no requirement that a district judge review the report and recommendation de novo. See *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993). Instead, when parties don’t object, a district court need only correct plain error as demanded. ¹ Unless otherwise indicated, all internal quotation marks, citations, case history, and alterations have been omitted in this and later citations. by the interests of justice. See, e.g., *Symonette v. V.A. Leasing Corp.*, 648 F. App’x 787, 790 (11th Cir. 2016); *Thomas v. Arn*, 474 U.S. 140, 150-52 (1985). Plain error exists if (1) “an error occurred”; (2) “the error was plain”; (8) “it affected substantial rights”; and (4) “not correcting the error would seriously affect the fairness of the judicial proceedings.” *Farley v. Nationwide Mut. Ins.*, 197 F.3d 1322, 1329 (11th Cir. 1999). After careful consideration and an independent review of the case, the Court finds no plain error. It accepts and adopts the R&R in full. Accordingly, it is now ORDERED:

1. Judge Frazier's Report and Recommendation (Doc. 76) is ACCEPTED and ADOPTED, and the findings incorporated herein.
2. Plaintiffs motion to proceed in forma pauperis on appeal (Doc. 72) is DENIED. ENTERED in Fort Myers, Florida on November 26, 2025. KyleC.Dudek United States District Judge

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