

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

JOHN K. FORT,

Plaintiff,

v.

Case No: 5:17-mc-12-Oc-30PRL

ANTHONY J. CILWA and  
CHRISTOPHER CILWA,

Defendants.

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**ORDER**

**THIS CAUSE** came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Doc. 35). Defendant Anthony Cilwa filed an objection (Doc. 39) in which he claims the magistrate judge mischaracterized the basis of his appeal as being duplicative of the arguments in his bankruptcy case. Cilwa argues that the sole basis for his current appeal is that “the Florida constitution states that no court shall place alien [sic] or a forced sale on aproperty [sic] of a homestead.”

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects because the objection lacks merit.

**ACCORDINGLY**, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Doc. 35) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. Defendant Anthony Cilwa's motion to proceed *in forma pauperis* (Doc. 20) is DENIED.

3. The Clerk is directed to close this case.

**DONE** and **ORDERED** in Tampa, Florida, this 26th day of January, 2018.

**Copies Furnished To:**  
Counsel/Parties of Record