

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

**RITA WALKER RICCI,**

**Plaintiff,**

**v.**

**Case No: 5:17-cv-607-Oc-30PRL**

**THOMAS F. FULLER**

**Defendant.**

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**REPORT AND RECOMMENDATION<sup>1</sup>**

Before the Court is Plaintiff's motion to proceed *in forma pauperis*. (Doc. 2). By prior order, the Court conducted a frivolity review of the Complaint pursuant to 28 U.S.C. § 1915(e)(2), and noted that Plaintiff's Complaint failed to allege a sufficient basis for subject-matter jurisdiction and failed to assert a viable federal claim. (Doc. 4). The deficiencies of Plaintiff's Complaint are outlined in the Court's prior Order. (Doc. 4). Plaintiff was granted until March 9, 2018 to file an amended complaint.

Plaintiff has failed to file an amended complaint, and the time for doing so has expired. Accordingly, upon due consideration, it is **recommended** that Plaintiff's motion to proceed in forma pauperis (Doc. 2) be **DENIED**, and this case dismissed without prejudice.

**Recommended** in Ocala, Florida on March 16, 2018.

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<sup>1</sup> Within 14 days after being served with a copy of the recommended disposition, a party may file written objections to the Report and Recommendation's factual findings and legal conclusions. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); Local Rule 6.02. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.



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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Presiding District Judge  
Counsel of Record  
Unrepresented Party  
Courtroom Deputy