

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

LIVIA M. SCOTTO, CARMELA A.  
SCIABARRA and ANGELA M. SCOTTO,

Plaintiffs,

v.

Case No: 8:17-cv-2730-T-36TBM

JESSICA MARIE MCCLEAN, THE  
CONCETTA SCOTTO TRUST, THE  
BENJAMIN SHAPIRO TRUST, STATE  
OF FLORIDA, THE FLORIDA BAR  
DISCIPLINE BOARD COMMITTEE, THE  
ATTORNEY GRIEVANCE COMMITTEE  
NEW YORK and COUNSEL OF RECORD,

Defendants.

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**ORDER**

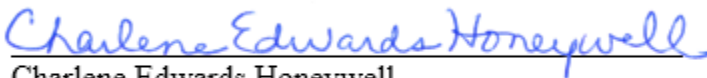
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Thomas B. McCoun III on December 27, 2017 (Doc. 11). In the Report and Recommendation, Magistrate Judge McCoun recommends that the Court dismiss the Amended Complaint (Doc. 8) and deny without prejudice Plaintiff's second construed motion to proceed *in forma pauperis* (Doc. 9). Magistrate Judge McCoun further recommends that the Court grant Plaintiff permission to file a Second Amended Complaint, which clearly sets forth a cause of action consistent with the pleading requirements of the Federal Rules of Civil Procedure and which clearly states the basis of this Court's jurisdiction, within twenty (20) days of the Court's Order. Plaintiff Scotto was furnished a copy of the Report and Recommendation and afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

**ORDERED AND ADJUDGED:**

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 11) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Plaintiff's Amended Complaint (Doc. 8) is DISMISSED without prejudice.
- (3) Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. 9) is DENIED without prejudice.
- (4) Plaintiff is granted leave to file a Second Amended Complaint within **twenty (20) days** from the date of this order which clearly sets forth a cause of action consistent with the pleading requirements of the Federal Rules of Procedure and which clearly states the basis of this Court's jurisdiction. **Failure to file a second amended complaint within the time provided will result in this case being dismissed without further notice**

**DONE AND ORDERED** at Tampa, Florida on January 17, 2018.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Thomas B. McCoun III  
Counsel of Record