

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

**INDIRA DAYANNA LOPEZ-RUIZ,
individually on guardian behalf to THE
STATE OF FLORIDA pursuant to the
CITY AND COUNTY OF MANATEE,
TAMPA BAY REGION, a government
entity, FDLE division thereof,**

Plaintiff,

v.

Case No.: 8:18-cv-211-T-23AAS

**GREYSTAR NHMC A KINGSLEY
ASSOCIATES, et al.,**

Defendants.

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REPORT AND RECOMMENDATION

Indira Dayanna Lopez-Ruiz requests to proceed *in forma pauperis* in this action. In support of this request, Ms. Lopez-Ruiz filed a Complaint (Doc. 1), an Affidavit of Indigency (Doc. 2), a “Relief-Benefits” Notice (Doc. 7), and an “Order Indigency Affidavit” (Doc. 8). At issue is whether Ms. Lopez-Ruiz’s filings satisfy the requirements for proceeding *in forma pauperis* under 28 U.S.C. § 1915.

Upon review of the complaint and affidavit of indigency, the court deferred ruling on Ms. Lopez-Ruiz’s request to proceed *in forma pauperis*. (Doc. 2). The court directed Ms. Lopez-Ruiz to file an amended complaint that states a cognizable claim and complies with the Federal Rules of Civil Procedure. (Doc. 3). In addition, the court directed Ms. Lopez-Ruiz to provide more detail about her financial situation. (*Id.*). The court gave Ms. Lopez-Ruiz over three weeks to

comply with its order, and warned that failure to file an amended complaint and affidavit will result in a recommendation of dismissal.

Ms. Lopez-Ruiz thereafter filed a “Relief-Benefits” Notice (Doc. 7) and an “Order Indigency Affidavit” (Doc. 8). These supplemental filings do not remedy the deficiencies the court previously identified, and Ms. Lopez-Ruiz fails to allege sufficient facts to state a claim upon which relief may be granted. *See* Fed. R. Civ. P. 12(b)(6).

Accordingly, it is **RECOMMENDED** that:

Indira Dayanna Lopez-Ruiz’s request to proceed *in forma pauperis* (Doc. 2) be **DENIED** and the complaint (Doc. 1) be **DISMISSED** for failure to state a claim.

ORDERED in Tampa, Florida on this 6th day of March, 2018.



AMANDA ARNOLD SANSONE
United States Magistrate Judge

NOTICE TO PARTIES

Failure to file written objections to the proposed findings and recommendations contained in this report within fourteen (14) days from the date of this service shall bar an aggrieved party from attacking the factual findings on appeal. *See* 28 U.S.C. § 636(b)(1).

Copies to:

Pro se Plaintiff
District Judge