

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

ROBERT A. STOLPMANN,

Plaintiff,

v.

Case No. 6:18-cv-293-Orl-37DCI

CARL LENTZ, IV; CITY OF DAYTONA  
BEACH; and REALTY PROS ASSURED,

Defendants.

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**ORDER**

*Pro se* Plaintiff Robert A. Stolpmann (“**Stolpmann**”) initiated this action, against Defendants on February 28, 2018. (*See* Doc. 1 (“**Complaint**”).) On the Court’s direction (Doc. 17), Stolpmann filed an amended complaint and motion to proceed *in forma pauperis* (Doc. 25 (“**Amended Complaint**”); Doc. 26 (“**IFP Motion**”). On referral, U.S. Magistrate Judge Daniel C. Irick recommends denying the IFP Motion and dismissing the Amended Complaint without prejudice because Plaintiff “failed to state a federal cause of action upon which relief may be granted.” (Doc. 40, p. 4 (“**R&R**”).)

The parties did not object to the R&R, and the time for doing so has now passed. As such, the Court has examined the R&R only for clear error. *See Wiand v. Wells Fargo Bank, N.A.*, No. 8:12-cv-557-T-27EAJ, 2016 WL 355490, at \*1 (M.D. Fla. Jan. 28, 2016); *see also Marcort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). Finding no error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 40) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff Robert A. Stolpmann's Amended Complaint (Doc. 25) is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff Robert A. Stolpmann's Motion to Proceed *in forma pauperis* (Doc. 26) is **DENIED**.
4. On or before **Wednesday, September 26, 2018**, Plaintiff may file a second amended complaint consistent with the strictures of this Order, along with a motion to proceed *in forma pauperis* or payment of the filing fee. Failure to file an amended complaint within this time period will result in dismissal of this case without further notice.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on September 13, 2018.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record  
*Pro Se* Party