

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.

AMENDED ORDER¹

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

¹ This Amended Order is issued to correct a scrivener’s error in the decretal of the Court’s previous Order (Doc. 41).

Court concludes that the R&R is due to be adopted in its entirety.

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

1. The Court's Order (Doc. 41) is **VACATED**.
2. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 40) is **ADOPTED, CONFIRMED**, and made a part of this Order.
3. Plaintiff Robert A. Stolpmann's Amended Complaint (Doc. 25) is **DISMISSED WITHOUT PREJUDICE**.
4. Plaintiff Robert A. Stolpmann's Motion to Proceed *in forma pauperis* (Doc. 26) is **DENIED**.
5. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on September 20, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro Se Party