

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

CHRISTOPHER HOLLY,

Plaintiff,

v.

Case No: 5:18-cv-442-Oc-30PRL

GOOGLE LLC

Defendant.

REPORT AND RECOMMENDATION¹


Pending before the Court is *pro se* Plaintiff's Motion to Proceed *in Forma Pauperis* under 28 U.S.C. § 1915 (Doc. 2). Upon referral, I recommend that Plaintiff's motion be denied, and the case dismissed without prejudice.

By prior Order entered August 30, 2018 (Doc. 5), the undersigned took *pro se* Plaintiff's motion for leave to proceed *in forma pauperis* under advisement and, upon conducting a thorough frivolity review of the Complaint pursuant to 28 U.S.C. § 1915(e)(2), noted that Plaintiff's claims were frivolous and due to be dismissed. The deficiencies of Plaintiff's Complaint are outlined in the Court's prior Order. (Doc. 5). In an abundance of caution, Plaintiff was granted until September 28, 2018 to file an amended complaint.

¹ 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); Fed. R. Crim. P. 59(b)(2); 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.

Plaintiff has failed to file an amended complaint, and the time for doing so has expired. Accordingly, upon due consideration, it is respectfully 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 October 1, 2018.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy