

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

CHRISTOPHER HOLLY,

Plaintiff,

v.

Case No: 5:18-cv-453-Oc-30PRL

HARDEE'S FOOD SYSTEMS, INC.,

Defendant.

ORDER

THIS CAUSE came on for consideration on the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Doc. 5). The Court notes that Plaintiff filed an untimely written objection to the Report and Recommendation.¹

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

¹ After the Magistrate Judge filed his Report and Recommendation, Plaintiff also filed a second amended complaint. Because Plaintiff did not seek leave of court before doing so, the Court concludes the second amended complaint should be stricken. Fed. R. Civ. P. 15(a). But even if the Court did consider the second amended complaint, the Court would dismiss the action because it lacks jurisdiction since Plaintiff brings only Florida law claims and has not established that the amount in controversy exceeds \$75,000. 28 U.S.C. § 1332(a).

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

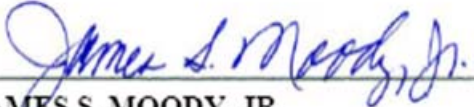
1. The Report and Recommendation (Doc. 5) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (Doc. 2) is DENIED.

3. This action is DISMISSED without prejudice.

4. All pending motions are denied as moot, and the Clerk is directed to close this case.

DONE and **ORDERED** in Tampa, Florida, this 2nd day of October, 2018.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record