

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

CORBBLIN B. BUSH,

Plaintiff,

v.

Case No: 6:18-cv-529-Orl-18TBS

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION and
MIAMI DISTRICT OFFICE,**

Defendants.

ORDER

THIS CAUSE comes before the Court on consideration of the Complaint filed by pro se plaintiff Corbblin B. Bush (“Plaintiff”) (Doc. 1), Plaintiff’s Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2 (“IFP Motion”)), the Report and Recommendation (“Report”) issued by United States Magistrate Judge Thomas B. Smith (“Judge Smith”) (Doc. 5), and a document titled “Plaintiff Motion to Response” (Doc. 8 (“Response”)), which the Court construes as timely objections to the Report.

DISCUSSION

In his Report, Judge Smith recommends that the Court deny the IFP Motion and dismiss the Complaint because, as a federal agency, Defendants are entitled to sovereign immunity. (*See* Doc. 5, pp. 3–4.) Recognizing that the Complaint “is not subject to amendment which would cure the jurisdictional” sovereign immunity defect, Judge Smith further recommends that the Court not afford Plaintiff leave to amend. (*See id.* at 4.) Without any reference to how he might state a viable claim in any amended complaint, Plaintiff obtusely complains that: (a) the court “overlook[ed] the fact that this court is a constitutional court” with jurisdiction based on 28 U.S.C. § 1331; and

(b) Plaintiff should have been allowed to file an amended complaint because he is a pro se litigant. (See Doc. 8 (contrarily agreeing with Judge Smith's finding that Plaintiff "cannot suit" in this case).) After *de novo* review in accordance with 28 U.S.C. § 636(b)(1)(B), the Court rejects the Response, approves the well-reasoned Report, and finds that any amendment of the Complaint filed in this Court would be futile. See *Rance v. Winn*, 287 F. App'x 840, 841 (11th Cir.), *rehearing en banc denied*, 307 F. App'x 439 (11th Cir. 2008); *Desravines v. Orange Cty. Sheriff's Office*, 6:10-cv-851-28GJK, 2011 WL 6937471, at *5 (Nov. 4, 2011), *adopted by* 2012 WL 11118, at *1 (M.D. Fla. Jan. 3, 2012), *aff'd* 520 F. App'x 946, 948 (11th Cir. 2013).

CONCLUSION

Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

- (1) United States Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 5) is **APPROVED** and **ADOPTED** and made part of this Order for all purposes, including appellate review.
- (2) The IFP Motion (Doc. 2) is **DENIED**.
- (3) The Complaint (Doc. 1) is **DISMISSED**.
- (4) The Clerk is directed to **CLOSE** this case.

DONE and **ORDERED** in Orlando, Florida, this 3 day of August, 2018.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:
Counsel of Record
Unrepresented Party