

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ANTHONY HICKS,

Plaintiff,

v.

Case No: 6:18-cv-803-Orl-41TBS

MS./MRS. SUKI,

Defendant.

ORDER

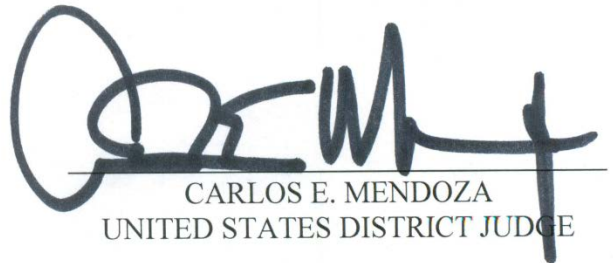
THIS CAUSE is before the Court on Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* ("Motion to Proceed IFP," Doc. 3) and his Motion to Amend (Doc. 5). Previously, United States Magistrate Judge Thomas B. Smith issued an Order (Doc. 4), explaining that Plaintiff's original Complaint (Doc. 1) failed to state a claim, giving Plaintiff an opportunity to amend his Complaint, and deferring ruling on the Motion to Proceed IFP. In response, Plaintiff filed his Motion to Amend, which sets forth his amended allegations. Thus, to the extent Plaintiff seeks leave to file an amended complaint, that motion will be denied as moot because the Court accepts the allegations in the original Complaint together with those in the Motion to Amend as Plaintiff's Amended Complaint.

Judge Smith issued a Report and Recommendation (Doc. 6), in which he recommends that Plaintiff's Motion to Proceed IFP be denied and his Amended Complaint be dismissed. Plaintiff filed an Objection (Doc. 7), in which he simply asks the Court to allow him to amend his Complaint again, but he does not provide any explanation as to how he would be able to state a claim.

After a *de novo* review of the record, and noting that Plaintiff did not object to the substance of the Report and Recommendation, the Court agrees with Judge Smith's analysis. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 6) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Motion to Amend (Doc. 5) is **DENIED as moot**.
3. Plaintiff's Motion to Proceed IFP (Doc. 3) is **DENIED**.
4. Plaintiff's Amended Complaint is **DISMISSED**.
5. The Clerk is directed to close this case.

DONE and **ORDERED** in Orlando, Florida on July 19, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party