

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

CHRISTOPHER YOUNG,

Plaintiff,

v.

Case No. 6:18-cv-877-Orl-37KRS

UNITED STATES OF AMERICA,

Defendant.

ORDER

Plaintiff Christopher Young initiated this action against the United States of America pursuant to the Federal Tort Claims Act, 28 U.S.C. § 1346 (“**FTCA**”), claiming that the Social Security Administration negligently failed to pay him attorney fees. (Doc. 1 (“**Complaint**”).) With the Complaint, Young filed an application to proceed without prepaying fees or costs, construed as a motion to proceed *in forma pauperis*. (Doc. 2 (“**IFP Motion**”).) On referral, U.S. Magistrate Judge Karla R. Spaulding recommends that the Court: (1) deny Young’s IFP motion; (2) dismiss the Complaint for lack of subject matter jurisdiction; and (3) provide Young an opportunity to re-file under the appropriate statute, provided he can properly allege he exhausted his administrative remedies as required. (Doc. 3 (“**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 Court concludes that the R&R is due to be adopted in its entirety.

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

1. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 3) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. Plaintiff's Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff's Motion to Proceed In Forma Pauperis (Doc. 2) is **DENIED**.
4. On or before **Thursday, July 5, 2018**, Plaintiff may file an amended complaint consistent with the strictures of this Order, along with a renewed motion to proceed *in forma pauperis* or payment of the filing fee. Failure to file an amended complaint within this time period will result in dismissal of this case without further notice.

DONE AND ORDERED in Chambers in Orlando, Florida, on June 27, 2018.




ROY B. DALTON JR.
United States District Judge

Copies to:
Counsel of Record
Pro Se Party