

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**MFREVF-LOFTS AT SODO LLC,**

**Plaintiff,**

**v.**

**Case No: 6:18-cv-1419-Orl-41TBS**

**RICHARD STANLEY,**

**Defendant.**

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**ORDER**

THIS CAUSE is before the Court on Defendant's Application to Proceed in District Court without Prepaying Fees or Costs ("Application," Doc. 5). United States Magistrate Judge Thomas B. Smith submitted a Report and Recommendation ("R&R," Doc. 6), in which he recommends denying Defendant's Application. He further recommends remanding this case for want of subject matter jurisdiction. (*Id.* at 4–6).

Also before the Court is Defendant's Emergency Motion for a Temporary Restraining Order<sup>1</sup> ("Motion for TRO," Doc. 7), which also includes a Motion to Amend the Complaint.<sup>2</sup>

After a *de novo* review of the record, and noting that no objections were timely filed, this Court agrees entirely with the analysis set forth in the R&R. This Court has no jurisdiction to hear any part of this dispute, including the Motion for TRO.

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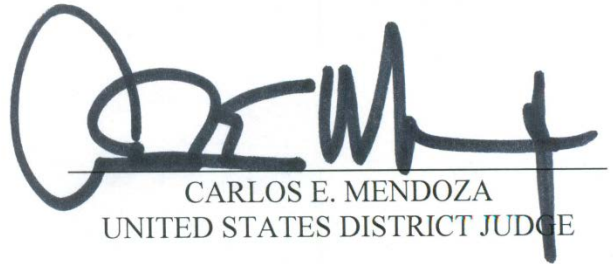
<sup>1</sup> Defendant's Motion for TRO was not an emergency. Defendant should be wary of filing motions under emergency status that do not qualify as such.

<sup>2</sup> Only a plaintiff can amend a complaint.

Accordingly, 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. The case is **REMANDED** to the Ninth Judicial Circuit in and for Orange County, Florida, Case Number 2018-CC-5944-O.
3. The Clerk is directed to close this case.

**DONE** and **ORDERED** in Orlando, Florida on October 3, 2018.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party