

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

XIAO LU CHEN,

Plaintiff,

v.

Case No: 6:18-cv-1474-Orl-41TBS

SECRETARY, UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY and U.S. ATTORNEY  
GENERAL,

Defendants.

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**ORDER**

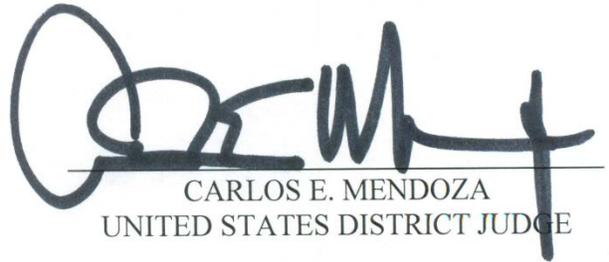
THIS CAUSE is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs ("Application," Doc. 2). United States Magistrate Thomas B. Smith submitted a Report and Recommendation ("R&R," Doc. 10), in which he recommends that the Application be denied and that plaintiff be granted leave to amend the Amended Complaint (Doc. 9).

After a *de novo* review of the record, and noting that no objections were timely filed, the Court agrees with the analysis set forth in the Report and Recommendation. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 10) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2) is **DENIED**.
3. Plaintiff's Amended Complaint (Doc. 9) is **DISMISSED without prejudice**.

4. **On or before March 4, 2019**, Plaintiff may file an amended complaint that complies with the guidance set forth in the R&R. Failure to do so may result in the dismissal of this case without further notice. Plaintiff may also file a renewed application to proceed in district court without prepaying fees or costs.

**DONE and ORDERED** in Orlando, Florida on February 14, 2019.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party