

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

STATE OF FLORIDA,

Plaintiff,

v.

Case No. 6:18-cv-1930-Orl-37DCI

CALVIN MIGUEL DOUGLAS,

Defendant.

ORDER

On November 9, 2018, Defendant attempted to remove a state criminal case against him to this Court and filed a motion to proceed *in forma pauperis* (Docs. 1, 2), both of which he amended on November 20, 2018 (Doc. 5; Doc. 6 (“**IFP Motion**”). On referral, U.S. Magistrate Judge Daniel C. Irick denied the IFP Motion without prejudice and ordered Defendant to show cause on or before December 14, 2018, why the case should not be remanded for lack of subject matter jurisdiction. (Doc. 7, pp. 3–4 (“**OSC**”).) Magistrate Judge Irick warned that failure to respond to the OSC and file a renewed motion to proceed *in forma pauperis* may result in the case being remanded without further warning. (*Id.* at 4.) As Defendant failed to timely comply with the OSC, Magistrate Judge Irick now recommends remanding this action to state court. (Doc. 8, p. 2 (“**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 such error, the Court concludes that the R&R is due to be adopted in its entirety.

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. U.S. Magistrate Judge Daniel C. Irick's Report and Recommendation (Doc. 8) is **ADOPTED, CONFIRMED**, and made a part of this Order.
2. This case is **REMANDED** to the County Court, for the Ninth Judicial Circuit, in and for Orange County, Florida.
3. The Clerk is **DIRECTED** to **CLOSE** the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 20, 2019.




ROY B. DALTON JR.
United States District Judge

Copies to:
Pro se Party
The County Court, for the Ninth Judicial Circuit,
in and for Orange County, Florida.