

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PATRICK MARTIN JONES,

Plaintiff,

v.

CASE NO. 8:18-cv-1985-T-23AAS

SECRETARY,
DRUG ENFORCEMENT AGENCY,

Defendant.

_____ /

ORDER

Patrick Martin Jones, appearing *pro se*, alleges (Doc. 1) that the Drug Enforcement Administration violated a Florida statute by compelling his doctors to change his pain medications from oxycodone to morphine. Concluding that Jones failed to state a claim, an August 15, 2018 order (Doc. 5) both granted Jones until September 7, 2018, to amend his complaint and deferred ruling on Jones's application to proceed *in forma pauperis* (Doc. 2). Jones failed to amend, and a September 11, 2018 report (Doc. 6) recommends denying the *in forma pauperis* application (Doc. 2) and dismissing the complaint (Doc. 1). Jones fails to object.

In addition to failing to prosecute, Jones undeniably asserts no claim. As the August 15 order demonstrates, Section 458.327, Florida Statutes, on which Jones relies, provides no private cause of action against the DEA. (Doc. 5 at 3) Further,

because he sues the DEA under a state statute, Jones fails to allege a “federal question” under 28 U.S.C. § 1331.

Because Jones neither amends his complaint to state a claim nor objects to the report and recommendation, the report (Doc. 6) is **ADOPTED**, and the action is **DISMISSED**. The motion (Doc. 2) for leave to proceed *in forma pauperis* is **DENIED**. The clerk is directed to close the case.

ORDERED in Tampa, Florida, on September 28, 2018.

A handwritten signature in black ink, appearing to read "Steven D. Merryday", is written above a horizontal line.

STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE