

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

EVANTHONY R. NORMAN,

Plaintiff,

v.

Case No: 8:18-cv-2183-T-30SPF

FLORIDA DEPARTMENT OF
REVENUE,

Defendant.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Sean P. Flynn (Dkt. 4). Plaintiff filed a response to the Report and Recommendation on October 1, 2018 (Dkt. 5) .

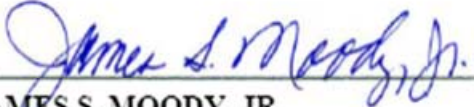
After careful consideration of the Report and Recommendation of the Magistrate Judge and Plaintiff's response, and in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects. The Court will allow Plaintiff to amend his Fifth Amendment claim, if he chooses.

ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. 4) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Plaintiff's request to proceed *in forma pauperis* (Dkt. 2) is DENIED.

3. Plaintiff's claims are dismissed without prejudice, except for Plaintiff's Fifth Amendment claim.
4. Within fourteen (14) days of the date of this Order, Plaintiff may file an amended Fifth Amendment claim and a renewed motion to proceed *in forma pauperis*.
5. Failure to amend his Fifth Amendment claim will result in closure of the case without further notice.

DONE and **ORDERED** in Tampa, Florida, this 22nd day of October, 2018.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record