

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

BENNITA SMITH,

Plaintiff,

v.

Case No: 8:18-cv-2346-T-30TGW

EXCELSIOR COMMUNITY
MANAGEMENT,

Defendant.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Thomas G. Wilson (Dkt. 5). The Court notes that Plaintiff did not file written objections to the Report and Recommendation and the time for filing such objections has elapsed.

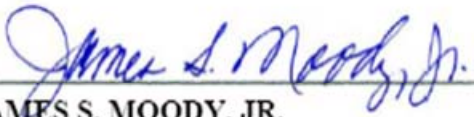
After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

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

1. The Report and Recommendation (Dkt. 5) 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 Motion for Leave to Proceed *in Forma Pauperis* (Dkt. 2) is DENIED without prejudice.
3. Plaintiff's Complaint (Dkt. 1) is dismissed without prejudice with leave to file an amended complaint that complies with the Federal Rules of Civil Procedure.
4. Plaintiff may file an amended complaint within thirty (30) days of this Order. Failure to file an amended complaint during this time will result in the closure of this case without further notice.

DONE and **ORDERED** in Tampa, Florida, this 25th day of October, 2018.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record