

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

SELIA ANN PRAY and WILLIAM  
PRAY,

Plaintiffs,

v.

Case No: 5:19-cv-177-Oc-30PRL

MARION COUNTY, FLORIDA,  
MICHAEL L SAVAGE, MARION  
COUNTY BOARD OF COUNTY  
COMMISSIONERS, JEFF BALL and  
STEVEN HOLMES,

Defendants.

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**ORDER**

**THIS CAUSE** came on for consideration on the Report and Recommendation submitted by Magistrate Judge Philip R. Lammens (Doc. 8). The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has elapsed.<sup>1</sup>

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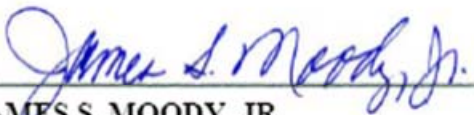
<sup>1</sup> Although Plaintiffs did not file objections, they filed an Amended Complaint on June 28, 2019 (Doc. 9), before the deadline to file objections expired. The Amended Complaint, though, was filed more than two weeks after the deadline the Magistrate Judge gave Plaintiffs to file an amended complaint. (Doc. 7, p. 7) (giving Plaintiffs until June 10, 2019, to file an amended complaint). Because Plaintiffs did not file the amended complaint in the ample time given to do so, the Court will not consider it. *See Silberman v. Miami Dade Transit*, No. 17-15092, 2019 WL 2498231, at \*5 (11th Cir. June 17, 2019) (affirming dismissal of *pro se* action where plaintiff squandered chance to amend complaint after court gave opportunity to do so). But even if the Court were to consider the Amended Complaint, a cursory review reveals Plaintiffs failed to correct the pleading deficiencies noted in the Magistrate Judge's prior Order. (Doc. 7).

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 (Doc. 8) 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. Plaintiffs' Motion to Proceed *in Forma Pauperis* (Doc. 2) is DENIED.
3. This action is DISMISSED WITHOUT PREJUDICE.
4. All pending motions are denied as moot.
5. The Clerk is directed to close this case.

**DONE** and **ORDERED** in Tampa, Florida, this 9th day of July, 2019.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

**Copies Furnished To:**  
Counsel/Parties of Record