

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

MARLA SUE PITTENGER,

Plaintiff,

v.

Case No. 5:23-cv-510-TJC-PRL

MICHIGAN STATE
GOVERNMENT, ILLINOIS, NEW
MEXICO, and OHIO,

Defendants.

ORDER

This case is before the Court on the Report and Recommendation by the assigned United States Magistrate Judge recommending denying Plaintiff Marla Sue Pittenger's Motion to Proceed In Forma Pauperis and dismissing the case. Doc. 10. No party has filed an objection to the Report and Recommendation, and the time in which to do so has passed.* See 28 U.S.C.

* After entry of the Report and Recommendation, Pittenger filed a supplement to the Amended Complaint. Doc. 11. A plaintiff cannot circumvent an unfavorable report and recommendation by attempting to supplement the underlying pleading. But even if the Court were to consider the supplement, the outcome is the same. Pittenger fails to correct the deficiencies described in the Report and Recommendation.

§ 636(b)(1); Fed. R. Civ. P. 72(b). Upon de novo review of the file and for the reasons stated in the Report and Recommendation, Doc. 10, it is hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 10, is **ADOPTED** as the opinion of the Court.

2. The Motion to Proceed In Forma Pauperis, Doc. 2, is **DENIED**.

3. The case is **DISMISSED without prejudice**.

4. The clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Jacksonville, Florida, the 25th day of March, 2024.



Timothy J. Corrigan
TIMOTHY J. CORRIGAN
United States District Judge

vng

Copies to:

The Honorable Philip R. Lammens
United States Magistrate Judge

Marla Sue Pittenger
2950 NE 14th St., Apt. C7
Ocala, FL 34470