

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

JAMES S. HOLCOMB,

Plaintiff,

v.

Case No. 5:23-cv-618-TJC-PRL

DOUGLAS SHIELDS, SEAN
PARKS, KIRBY SMITH, LESLIE
CAMPIONE, JOSH BLAKE, JOHN
GANGI, ERIC ROACH, JIMMIE
HOBBY, and CHARLES
JOHNSON,

Defendants.

ORDER

This case is before the Court on the Report and Recommendation recommending denying pro se Plaintiff James Holcomb's Amended Complaint and dismissing his Amended Motion to Proceed In Forma Pauperis. Doc. 7; see also Docs. 5 (Amended Complaint), 6 (Amended Motion). Holcomb has filed an objection. Doc. 8.

Holcomb sues in connection with a directive to remove a building from his property and a fine for a building code violation. See generally Doc. 5. For the reasons in the Report and Recommendation, he fails to state a claim on which relief can be granted. Still, he may (or may not) have a viable claim. Although

there is no constitutional or statutory right to the appointment of a lawyer in a civil case, the Court has determined that the appointment of a lawyer for Holcomb is appropriate and will seek to find him one. Once a lawyer is appointed and begins the representation, the Court will direct the filing of a second amended complaint.

Accordingly, it is hereby

ORDERED:

1. The Report and Recommendation of the Magistrate Judge, Doc. 7, is **ADOPTED** as the opinion of the Court.

2. Holcomb's Objection, Doc. 8, is **OVERRULED**.

3. The Amended Motion to Proceed In Forma Pauperis, Doc. 6, is **DENIED without prejudice**.

4. The Amended Complaint is **DISMISSED WITHOUT PREJUDICE**.

5. The Court will appoint counsel to represent Holcomb, who will file a second amended complaint.

DONE AND ORDERED in Jacksonville, Florida, the 26th day of January, 2024.



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

vng

Copies to:

The Honorable Philip R. Lammens
United States Magistrate Judge

James S. Holcomb
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Clermont, FL 34715