

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WOODROW WILLS, JR. and
SYLVIA J. WILLS,

Plaintiffs,

v.

Case No: 6:23-cv-1354-PGB-DCI

ALLY BANK, ALLY FINANCIAL
and ALLY SERVICING LLC,

Defendants.

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ORDER

This cause is before the Court on Defendants’ Motion to Dismiss for Failure to State a Claim (Doc. 13 (the “**Motion**”)), filed September 28, 2023. Magistrate Judge Daniel C. Irick submitted a Report and Recommendation (Doc. 25 (the “**Report**”)) recommending that Defendants’ Motion be granted in part such that the Complaint (Doc. 1) be dismissed as a shotgun pleading and Plaintiffs be given leave to amend to clarify their cause of action. No parties have filed an objection, and the time to do so has now passed.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report.

Therefore, it is **ORDERED** as follows:

1. The Report, filed December 20, 2023 (Doc. 25), is **ADOPTED** and **CONFIRMED** and made a part of this Order;
2. Defendants' Motion to Dismiss for Failure to State a Claim (Doc. 13) is **GRANTED IN PART**;
3. The Complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE** as an impermissible shotgun pleading; and
4. On or before January 22, 2024, Plaintiffs may file an amended complaint consistent with the directives of this Order and the Report, if they believe they can do so in accordance with Rule 11. Failure to timely file an amended complaint may result in dismissal of this action without prejudice without further notice.

DONE AND ORDERED in Orlando, Florida on January 8, 2024.


PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties