

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

JOHN DUFFY,

Plaintiff,

v.

Case No. 8:23-cv-2604-WFJ-NHA

TOM MAGILLIGAN, EDWARD
HAAB, USPS, MIKE DAIGNAULT,
and ROBERT CARLTON,

Defendants.

_____ /

ORDER

This cause comes before the Court on Plaintiff's application to proceed *in forma pauperis* (Dkt. 2) and the complaint (Dkt. 1). The United States Magistrate Judge issued a report recommending that the motion be denied without prejudice and that the complaint be dismissed with leave to file an amended complaint. Dkt. 8. The time for filing objections has passed.

The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate judge found that the complaint (Dkt. 1) and the "Notice to the Court" (Dkt. 7) neither allege sufficient facts to state a legal claim nor demonstrate a basis for federal subject matter jurisdiction. After conducting an independent

examination of the file, the Court agrees with the well-reasoned Report and Recommendation and rules as follows:

1. The Report and Recommendation (Dkt. 8) is adopted, confirmed, and approved in all respects (with one exception—Plaintiff will be allowed thirty (30) days to comply), and made a part of this order.

2. Plaintiff's motion to proceed *in forma pauperis* (Dkt. 2) is denied without prejudice.

3. Plaintiff's complaint (Dkt. 1) is dismissed without prejudice. If Plaintiff wishes to proceed, he must file an amended complaint and motion to proceed *in forma pauperis* in accordance with the Report and Recommendation within thirty (30) days. The amended complaint must comply with the Federal Rules of Civil Procedure and set forth the basis for federal jurisdiction supported by factual allegations. If an amended complaint is not timely filed, this case will be dismissed and closed without further notice.

DONE AND ORDERED at Tampa, Florida, on April 3, 2024.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Plaintiff, *pro se*