

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

DEVON A BROWN,

Plaintiff,

v.

Case No. 8:24-cv-385-WFJ-NHA

ANN COFFIN,

Defendant.

_____ /

ORDER

This cause comes before the Court on Plaintiff’s renewed application to proceed *in forma pauperis* (Dkt. 11) and the amended complaint (Dkt. 10). The United States Magistrate Judge issued a report recommending that the motion be denied without prejudice and that the amended complaint be dismissed without prejudice. Dkt. 12. 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 amended complaint (Dkt. 10) fails to allege a basis for federal subject matter jurisdiction. Plaintiff’s sole claim seeks to enjoin Defendant, in her role as Director at the Florida Department of Revenue, Office of Child Support Enforcement (“FDOR”), from garnishing Plaintiff’s Uber earnings. Dkt. 10, Dkt. 12 at 3. The report explains why this state claim may not be brought

in federal court. Dkt. 12 at 7–12. 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. 12) is adopted, confirmed, and approved in all respects and made a part of this order.

2. Plaintiff’s renewed motion to proceed *in forma pauperis* (Dkt. 11) is denied without prejudice.

3. Plaintiff’s amended complaint (Dkt. 10) is dismissed without prejudice, subject to the right of Plaintiff to file his exemptions to garnishment with the court that issued the writ of garnishment.

4. The Clerk is directed to close the case.

DONE AND ORDERED at Tampa, Florida, on May 21, 2024.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:

Plaintiff, *pro se*