

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

SIMONE R. COLEY,

Plaintiff,

v.

Case No. 8:24-cv-1108-KKM-CPT

BANK OF AMERICA,

Defendant.

ORDER

On September 11, 2024, the Magistrate Judge entered a Report and Recommendation recommending that Plaintiff Simone Coley's Complaint, (Doc. 1), be dismissed, and her Motion to Proceed In Forma Pauperis, (Doc. 2), be denied. R&R (Doc. 8). The Clerk mailed a copy of the Report and Recommendation to Coley the next day. Coley's deadline to object to the Magistrate Judge's Report and Recommendation has passed without her lodging an objection. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 6(d).

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify a magistrate judge's Report and Recommendation. 28 U.S.C. § 636(b)(1). If a party files a timely and specific objection to a finding of fact by a magistrate judge, the district court must conduct a de novo review with respect to that factual issue. *Stokes v. Singletary*, 952 F.2d 1567, 1576 (11th Cir. 1992). The district court reviews legal conclusions de novo, even in the absence of an objection. *See Cooper-Houston v. S.*

Ry. Co., 37 F.3d 603, 604 (11th Cir. 1994); *Ashworth v. Glades Cnty. Bd. of Cnty. Comm'rs*, 379 F. Supp. 3d 1244, 1246 (M.D. Fla. 2019).

In the absence of any objection and after reviewing the factual allegations and legal conclusions, the Court adopts the Report and Recommendation. Coley's complaint is dismissed with leave to amend, and her Motion to Proceed In Forma Pauperis is denied without prejudice for the reasons and to the extent the Magistrate Judge stated. *See* R&R (Doc. 8).

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Doc. 8) is **ADOPTED** and made a part of this Order for all purposes.
2. Coley's Motion to Proceed In Forma Pauperis (Doc. 2) is **DENIED**. **By October 30, 2024**, Coley must pay the full filing fee or submit a renewed motion to proceed in forma pauperis together with any amended complaint.
3. Coley's Complaint (Doc. 1) is **DISMISSED** without prejudice. Coley is granted leave to file a cognizable amended complaint by **October 30, 2024**. **Failure to comply with these directives will result in dismissal of this case without further notice.**

ORDERED in Tampa, Florida, on September 30, 2024.



TOM BARBER
UNITED STATES DISTRICT JUDGE*

* Signed by Judge Thomas P. Barber to expedite the resolution of this motion. This case remains assigned to Judge Kathryn Kimball Mizelle.