

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

ANA MCCARTHY,

Plaintiff,

v.

Case No. 8:24-cv-1739-TPB-AAS

PODS ENTERPRISES, LLC,

Defendant.

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ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Amanda A. Sansone, United States Magistrate Judge, entered on September 16, 2024. (Doc. 8). Judge Sansone recommends that Plaintiff's motion to proceed *in forma pauperis* (Doc. 5) be denied, and Plaintiff's amended complaint (Doc. 4) be dismissed without prejudice for lack of subject matter jurisdiction. No objection to the report and recommendation has been filed, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). A district court must "make a de novo determination of those portions of the [report and recommendation] to which an objection is made." 28 U.S.C. §

636(b)(1)(C). When no objection is filed, a court reviews the report and recommendation for clear error. *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006); *Nettles v. Wainwright*, 677 F.2d 404, 409 (5th Cir. 1982).

Upon due consideration of the record, including Judge Sansone's report and recommendation, the Court adopts the report and recommendation.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Sansone's report and recommendation (Doc. 8) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) Plaintiff's motion to proceed *in forma pauperis* (Doc. 5) is hereby **DENIED**.
- (3) The amended complaint (Doc. 4) is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.
- (4) The Clerk is directed to terminate any pending motions and deadlines, and thereafter close this case.

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 3rd day of October, 2024.



TOM BARBER
UNITED STATES DISTRICT JUDGE