

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

C. JOHN FANTEL
Plaintiff,

v.

CASE No. 8:24-cv-1831-TPB-TGW

HILLSBOROUGH COUNTY
COURTHOUSE; STATE OF FLORIDA,
Defendants.

ORDER

The plaintiff filed an Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 2), seeking a waiver of the filing fee for his complaint (Doc. 1). As stated in the Report and Recommendation (Doc. 3), the complaint is substantively and procedurally deficient because the complaint fails to state a cognizable claim and improperly names the “Hillsborough County Courthouse” as the defendant. As the complaint should be dismissed, I recommend that the motion to proceed in forma pauperis be denied without prejudice.

Under 28 U.S.C. 1915(a)(1), the court may authorize the filing of a civil lawsuit without prepayment of fees if the plaintiff submits an affidavit that includes a statement of all assets showing an inability to pay the filing fee and a statement of the nature of the action which shows that he

is entitled to redress. Even if the plaintiff proves indigency, the case shall be dismissed if the action is frivolous or malicious or fails to state a claim upon which relief may be granted. 28 U.S.C. 1915(e)(2)(B)(i), (ii). A claim is frivolous when it appears from the face of the complaint that the factual allegations are “clearly baseless” or that the legal theories are “indisputably meritless.” Bilal v. Driver, 251 F.3d 1346, 1349 (11th Cir. 2001). “Unsupported conclusory factual allegations also may be ‘clearly baseless.’” Craven v. Florida, No. 6:08-cv-80-Orl-19GJK; 2008 WL 1994976 at *4 (M.D. Fla. May 8, 2008), adopted at *2.

It is, therefore, upon consideration,

ORDERED:

That the Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 2) be DENIED without prejudice.

DONE and ORDERED at Tampa, Florida, this 30th day of December 2024.

Respectfully submitted,



THOMAS G. WILSON
UNITED STATES MAGISTRATE JUDGE