

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

LEON BRIGHT,

Plaintiff,

v.

Case No. 8:24-cv-2107-WFJ-LSG

CONTRACTORS ACCESS  
EQUIPMENT CO., *et al.*,

Defendants.

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**ORDER**

Before the Court is Plaintiff's motion to proceed *in forma pauperis* (Dkt. 2), the amended complaint (Dkt. 5), and the motion to invoke services of the U.S. Marshal (Dkt. 6). The United States Magistrate Judge issued a thorough and well-reasoned report recommending the motions be denied and the complaint be dismissed with leave to amend. Dkt. 7. 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). After an independent review, the Court may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3); *Macort v. Prem., Inc.*, 208 F. App'x 781, 783–84 (11th Cir. 2006) (citing published opinion).

The magistrate judge correctly found that the amended complaint (Dkt. 5) fails to allege sufficient facts to state claims violative of federal law in Counts One, Two, Three, Four and Seven for race discrimination, age discrimination, and retaliation in violation of Title VII of the Civil Rights Act and other federal statutes. Dkt. 7 at 5–11. Sharing the same fate, the remaining state law counts (Five, Six, and Eight) are deficient. *Id.* at 11–13. Additionally, the state court claims fall under the federal district court’s supplemental jurisdiction, which may be declined when the federal claims are dismissed. The report also notes Mr. Bright’s extensive prior history of filing actions in the Middle District. *Id.* at 1 n.1.

For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court rules as follows:

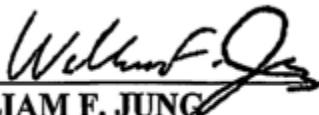
1. The Report and Recommendation (Dkt. 7) is adopted, confirmed, and approved in all respects and made a part of this order.
2. Plaintiff’s motion to proceed *in forma pauperis* (Dkt.2) is denied.
3. Plaintiff’s amended complaint (Dkt. 5) is dismissed without prejudice and with leave to amend. If Mr. Bright wishes to proceed, he must file a second amended complaint in accordance with the Report and Recommendation **within thirty (30) days** of the date of this Order. Plaintiff must also file a motion to

proceed *in forma pauperis*, or pay the filing fee, when any second amended complaint is filed.

4. Should Plaintiff fail or choose not to timely file a second amended complaint, this case will be dismissed without prejudice and closed without further notice.

5. Plaintiff's motion to invoke the services of the U.S. Marshal (Dkt. 6) is denied without prejudice.

**DONE AND ORDERED** at Tampa, Florida, on December 23, 2024.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Plaintiff, *pro se*