

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

JAY HARRIS,

Plaintiff,

v.

Case No. 8:24-cv-2459-TPB-TGW

PINELLAS COUNTY, FLORIDA,

Defendant.

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ORDER ADOPTING REPORTS AND RECOMMENDATIONS

This matter is before the Court on consideration of the reports and recommendations of Thomas G. Wilson, United States Magistrate Judge, entered on December 20, 2024, and on December 30, 2024 (Docs. 3; 4). Judge Wilson recommends that Plaintiff's complaint (Doc. 1) be dismissed without prejudice, and that his motion to proceed without costs be denied without prejudice. No objections to the reports and recommendations have 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 Wilson's reports and recommendations, the Court adopts the reports and recommendations in full. Consequently, the complaint is dismissed without prejudice, with leave to amend. The motion to proceed *in forma pauperis* is denied without prejudice, with leave to file a new motion along with the amended complaint.

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Judge Wilson's reports and recommendations (Docs. 3; 4) are **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) The complaint (Doc. 1) is **DISMISSED WITHOUT PREJUDICE**, with leave to amend. The Application to Proceed in District Court without Prepaying Fees and Costs is **DENIED WITHOUT PREJUDICE**.
- (3) Plaintiff is directed to file an amended complaint and motion to proceed without costs on or before February 17, 2025. Failure to file an amended complaint as directed will result in this Order becoming a final judgment. *See Auto. Alignment & Body Serv., Inc. v. State Farm Mut. Auto. Ins. Co.*, 953 F.3d 707, 719-20 (11th Cir. 2020).

DONE and **ORDERED** in Chambers, in Tampa, Florida, this 17th day of January, 2025.



TOM BARBER
UNITED STATES DISTRICT JUDGE