

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

COLBY ALEXANDER FRANK,

Plaintiff,

v.

Case No: 6:23-cv-2043-PGB-RMN

**RANDALL ADAM FINE and
DOES 1-99,**

Defendants.

_____ /

ORDER

This cause is before the Court on Plaintiff's Amended Complaint (Doc. 19 (the "**Amended Complaint**")). Magistrate Judge Robert M. Norway submitted a Report and Recommendation (Doc. 23 (the "**Report**")) recommending that the Court dismiss the Amended Complaint, grant Plaintiff leave to file a second amended complaint, and direct Plaintiff to renew his motion to proceed *in forma pauperis*. Neither party has filed an objection, and the time to do so has now passed.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, the Court agrees entirely with the findings of fact and conclusions of law in the Report.

Therefore, it is **ORDERED** as follows:

1. The Report (Doc. 23), filed January 5, 2024, is **ADOPTED** and **CONFIRMED** and made a part of this Order;

2. The Amended Complaint (Doc. 19) is **DISMISSED WITHOUT PREJUDICE** for failure to state a claim; and
3. Plaintiff may file a second amended complaint and a motion to proceed *in forma pauperis*, or pay the required fee for filing a civil action.¹

DONE AND ORDERED in Orlando, Florida on January 19, 2024.



PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

¹ The Court notes that Plaintiff preemptively filed a Third Amended Complaint (Doc. 25) and a renewed Motion to Proceed *in forma pauperis* (Doc. 26). As such, the Court finds the aforementioned filings to be operative in compliance with this Order.