

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

**SECTION 23 PROPERTY OWNERS
ASSOCIATION, INC.,**

Plaintiff,

v.

Case No: 2:13-cv-176-Ftm-99SPC

**JANE B. ROBINSON and ALBERT M.
ROBINSON,**

Defendants.

ORDER

This cause is before the Court on Motion for Leave to Proceed *In Forma Pauperis* (Doc. No. 6) filed on March 18, 2013.


The United States Magistrate Judge has submitted a report recommending that the Motion be DENIED and the case be REMANDED for lack of subject matter jurisdiction.

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 and Recommendation.

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

1. The Report and Recommendation filed March 20, 2013 (Doc. No. 8), is ADOPTED and CONFIRMED and made a part of this Order.
2. The Motion for Leave to Proceed In Forma Pauperis is hereby DENIED.
3. This case is REMANDED to the 20TH Judicial Circuit, Charlotte County Florida, for lack of subject matter jurisdiction. (Case No. 11-3581-CA).
4. The Clerk is direct to CLOSE the file.

DONE and **ORDERED** in Fort Myers, Florida on April 9, 2013.


ANNE C. CONWAY
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties