

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOSEPH VERRIER,

Plaintiff,

v.

Case No: 2:17-cv-204-FtM-99CM

MICHELLE RENO, ROBYNE
WEHLE and BRADLEY ROUSKEY,

Defendants.

OPINION AND ORDER¹

This matter comes before the Court on United States Magistrate Judge Carol Mirando's Report and Recommendation. (Doc. 9). Judge Mirando recommends denying Plaintiff Joseph Verrier request to proceed *in forma pauperis* (Doc. 2) and dismissing the case without prejudice. (Doc. 9). Verrier objects to the Report and Recommendation, arguing that it ignores his due process claim and other arguments in the Complaint. (Doc. 10). The Report and Recommendation is thus ripe for review.

A district judge "may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge." [28 U.S.C. § 636\(b\)\(1\)](#). The district judge "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* And "[t]he judge

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may also receive further evidence or recommit the matter to the magistrate judge with instructions.” *Id.*

After examining the file carefully and independently, and upon considering Judge Mirando’s findings and recommendations, the Court accepts and adopts the Report and Recommendation over Verrier’s objections.

Accordingly, it is now

ORDERED:

- (1) The Report and Recommendation is **ACCEPTED and ADOPTED** and the findings incorporated herein.
- (2) Plaintiff Joseph Verrier request to proceed *in forma pauperis* (Doc. 2) is **DENIED**.
- (3) Verrier’s motion to proceed as an independent case (Doc. 8) is **DENIED as moot**.
- (4) The Complaint is **DISMISSED without prejudice**. Verrier may file an amended complaint – after paying the applicable filing fee to the Clerk of Court – on or before **December 13, 2017**. **Failure to comply with this Order may result in the Court closing this case.**

DONE and ORDERED in Fort Myers, Florida this 22nd day of November 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record