

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

JOHN FITZGERALD PULLINS,

Plaintiff,

vs.

Case No. 3:12-cv-408-J-32JBT

TEDDY GARCIA, M.D., P.A., et al.,

Defendants.

ORDER

This case is before the Court on Plaintiff's Complaint (Doc. 1) and Affidavit of Indigency (Doc. 2), which the Court construes as a motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a)(1). Upon review of these filings, the assigned United States Magistrate Judge directed plaintiff to file an amended complaint and application to proceed in District Court without prepaying fees or costs and warned plaintiff that failure to comply could result in the Magistrate Judge recommending that his complaint be dismissed for failure to state a claim on which relief may be granted, lack of jurisdiction, and/or want of prosecution (Doc. 6). The plaintiff filed an Amended Complaint (Doc. 7) and Application (Doc. 8) on May 18, 2012. On June 7, 2012, the assigned United States Magistrate Judge issued a Report and Recommendation recommending that the motion to proceed in forma pauperis be denied and that the case be dismissed without prejudice for lack of subject matter jurisdiction (Doc. 9). No objections were filed and the time in which to do so has now passed.

Accordingly, upon independent review of the file and for the reasons stated in the Report and Recommendation issued by the Magistrate Judge (Doc. 9), it is hereby

ORDERED:

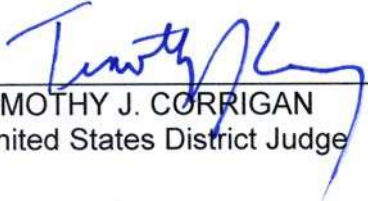
1. The Report and Recommendation (Doc. 9) of the Magistrate Judge is **ADOPTED** as the opinion of the Court.

2. Plaintiff's Motion to Proceed In Forma Pauperis (Doc. 2) is **DENIED**.

3. This case is dismissed without prejudice for lack of subject matter jurisdiction.

4. The Clerk shall close the file.

DONE AND ORDERED at Jacksonville, Florida this 30th day of July, 2012.


TIMOTHY J. CORRIGAN
United States District Judge

mg.

Copies:

Honorable Joel B. Toomey
United States Magistrate Judge

pro se plaintiff