

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

JUANDRECA L. POWELL,

Plaintiff,

-vs-

Case No. 6:09-cv-167-Orl-28KRS

DAVID A. SIEGAL,

Defendant.

ORDER

This case is before the Court on Plaintiff's Affidavit of Indigency (Doc. No. 2) filed January 27, 2009. The United States Magistrate Judge has submitted a report recommending that the complaint be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e). Also before the Court is Plaintiff's Application to Proceed without Prepayment of Fees and Affidavit (Doc. No. 7).

After an independent *de novo* review of the record in this matter, and consideration of Plaintiff's objections to the Report and Recommendation (Doc. No. 6), 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. That the Report and Recommendation filed January 29, 2009 (Doc. No. 3) is **ADOPTED** and **CONFIRMED** and made a part of this Order.

2. Plaintiff's Complaint (Doc. No. 1) is dismissed without prejudice pursuant to 28 U.S.C. § 1915(e). Plaintiff is given leave to file an amended complaint to name a proper defendant and to include sufficient allegations for the Court to make a proper analysis under

§ 1915(e). Plaintiff's amended complaint must be filed within eleven (11) days from the date of this Order.

3. Plaintiff's Affidavit of Indigency/Application to proceed *in forma pauperis* (Doc. No. 2) and Application to Proceed without Prepayment of Fees and Affidavit (Doc. No. 7) are **DENIED without prejudice** subject to refiling with the amended complaint. In any renewed motion to proceed *in forma pauperis*, Plaintiff must provide all of the information requested in the Affidavit of Indigency. Plaintiff shall also address the apparent inconsistency between her Affidavit of Indigency (Doc. No. 2) claiming she owns a 2000 Transam with no apparent value and her Application to Proceed without Prepayment of Fees and Affidavit (Doc. No. 7) claiming she owns a 1995 Chevy Camaro with a value of \$5,000.00.

4. Failure to file an amended complaint within the time allowed herein, will result in this case being closed.

DONE and **ORDERED** in Chambers, Orlando, Florida this 24th day of February, 2009.



JOHN ANTOON II
United States District Judge

Copies furnished to:

United States Magistrate Judge
Counsel of Record
Unrepresented Party