

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

**PEDRO CERUTTI, JR.,**

**Plaintiff,**

**-vs-**

**Case No. 6:11-cv-2023-Orl-28KRS**

**ORANGE COUNTY CORRECTION  
DEPARTMENT, TIFFANY SMITH,  
SHANON BROWNING,**

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**ORDER**

This case is before the Court on Plaintiff's Affidavit of Indigency (Doc. No. 2) filed December 20, 2011, and Motion for Relief of Attorney (Doc. No. 3) filed December 27, 2011. The United States Magistrate Judge has submitted a report recommending that the motions be denied.

After an independent *de novo* review of the record in this matter, and consideration of Plaintiff's Objection to the Report and Recommendation (Doc. 9), the Objection is overruled. 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 5, 2012 (Doc. No. 7) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Affidavit of Indigency (construed as a Motion to Proceed *in forma pauperis*) (Doc. No. 2) is **DENIED**.

3. Plaintiff's Motion for Relief of Attorney (construed as a Motion to Appoint Counsel) (Doc. No. 3) is **DENIED**.

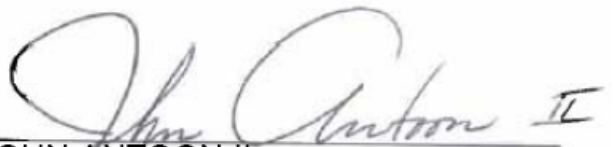
4. This case is dismissed.

5. The Clerk of the Court is directed to close this file.

**DONE** and **ORDERED** in Chambers, Orlando, Florida this 17th day of January, 2012.

Copies furnished to:

United States Magistrate Judge  
Counsel of Record  
Unrepresented Party

  
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JOHN ANTOON II  
United States District Judge