

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

**ROBERT FENN and ANDRITA KING-
FENN,**

Plaintiffs,

-vs-

Case No. 6:12-cv-10-Orl-31KRS

**JOSEPH N. DAYAN; SHAPIRO AND
FISHMAN, LP; and BANK OF AMERICA
NATIONAL ASSOCIATION ,**

Defendants.

ORDER

This cause comes before the Court on the Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. 2) filed January 4, 2012.

On January 9, 2012, the United States Magistrate Judge issued a report (Doc. No. 6) recommending that the motion be denied. No objections have been filed. Therefore, it is

ORDERED as follows:

1. The Report and Recommendation is **CONFIRMED** and **ADOPTED** as part of this Order.
2. The complaint in this case is **DISMISSED** without prejudice and the Application to Proceed *in forma pauperis* is **DENIED** without prejudice. Plaintiff has filed an Amended Complaint (Doc. No. 7) and an Amended Application to Proceed *in forma pauperis* (Doc. No. 10) which will be considered.

DONE and **ORDERED** in Chambers, Orlando, Florida on this 30th day of January, 2012.

Copies furnished to:

United States Magistrate Judge
Counsel of Record
Unrepresented Party


GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE