

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

CONNIE STEELMAN,

Plaintiff,

v.

CASE NO. 6:12-CV-510-Orl-36KRS

WENDY'S OF NE FLORIDA, INC.,

Defendant.

ORDER

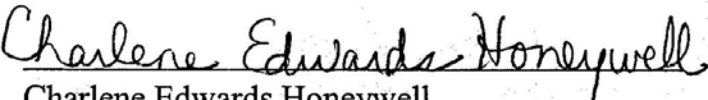
This cause comes before the Court on the Report and Recommendation of Magistrate Judge Karla R. Spaulding, filed on August 16, 2012 (Doc. 24). In the Report and Recommendation, the Magistrate Judge recommends that the Court dismiss without prejudice Plaintiff Connie Steelman's ("Plaintiff") Complaint (Doc. 1) and deny without prejudice her application to proceed without prepayment of fees (Doc. 23). *See* Doc. 24. Neither party has objected to the Report and Recommendation and the time to do so has expired.

The Court is in agreement with the Magistrate Judge that Plaintiff's Complaint has failed to set forth sufficient allegations of fact to establish that she has standing in this matter. Therefore, after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 24) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Plaintiff's Complaint is **DISMISSED**, without prejudice. Plaintiff would ordinarily be granted leave to file an Amended Complaint within fourteen (14) days. However, the Court notes that Plaintiff has already filed an Amended Complaint which, although filed prematurely, will be accepted.
3. Plaintiff Connie Steelman's initial Motion for leave to proceed in *forma pauperis* (Doc. 23) is **DENIED**, without prejudice.

DONE AND ORDERED at Orlando, Florida on September 20, 2012.


Charlene Edwards Honeywell
United States District Judge

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COUNSEL OF RECORD