

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

**FREEDOM ENVIRONMENTAL
SERVICES, INC.,**

Plaintiff,

v.

Case No: 6:12-cv-665-Orl-22DAB

**MICHAEL BORISH, COLONIAL
STOCK TRANSFER COMPANY, INC.,
BRETT ROWLAND, MARC
BARHONOVICH, REGINALD M.
BERTHIAUME and JOHN DOES 1
THROUGH 5,**

Defendants.

ORDER

This cause is before the Court on the Report and Recommendation (Doc. No. 18) filed on June 20, 2012.

The United States Magistrate Judge has submitted a report recommending that the case be dismissed for lack of subject matter jurisdiction and to decline to exercise supplemental jurisdiction over the state law claims pursuant to §1367.

After an independent *de novo* review of the record in this matter, and noting that no objections were timely filed, 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. The Report and Recommendation filed June 20, 2012 (Doc. No. 18), is ADOPTED and CONFIRMED and made a part of this Order.
2. This case is DISMISSED for lack of subject matter jurisdiction. The Court declines to exercise supplemental jurisdiction over the state law claims pursuant to §1367.

3. The Court retains jurisdiction over the issue of whether either counsel had the authority to file the case or dismiss the case.

4. The Combined Motion to Reopen Case and to Strike Both the Notice of Appearance and the Unauthorized Voluntary Dismissal Filed by Attorney Gus R. Benitez, Esq. (Doc. No. 11) is DENIED as moot.

DONE and ORDERED in Orlando, Florida on June 28, 2012.


ANNE C. CONWAY
United States District Judge

Copies furnished to:

Counsel of Record