

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

ANESH GUPTA,

Plaintiff,

v.

CASE NO. 6:12-CV-1112-Orl-36KRS

OFFICER K. WEIR, UNITED STATES  
CITIZENSHIP AND IMMIGRATION SERVICES,  
and CHICAGO FIELD OFFICE, CHICAGO,

Defendant.

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**ORDER**

This cause comes before the Court on the Report and Recommendation of Magistrate Judge Karla R. Spaulding, filed on July 20, 2012 (Doc. 3). In the Report and Recommendation, the Magistrate Judge recommends that this Court dismiss this case without prejudice to filing it in an appropriate venue, deny *pro se* Plaintiff Anesh Gupta's ("Plaintiff") Motion to proceed in *forma pauperis* (Doc. 2), and direct the Clerk of Court to close this file. *See* Doc. 3. On August 2, 2012, Plaintiff filed an Objection to the Magistrate Judge's Report and Recommendation (Doc. 4).

**BACKGROUND**

On July 18, 2012, Plaintiff filed a Complaint against Defendant K. Weir, the United States Citizenship and Immigration Services, and Chicago Field Office, Chicago (collectively, "the Defendants") with this Court (Doc. 1). Plaintiff's Complaint seeks damages for injuries suffered as a result of the Defendants' unlawful conduct, which violated his right to marital privacy. *Id.* On July 18, 2012, Plaintiff filed a Motion to proceed in *forma pauperis* (Doc. 2). On July 20, 2012, the Magistrate Judge issued a Report and Recommendation on Plaintiff's Motion (Doc. 3).

### STANDARD

When a party makes a timely and specific objection to a finding of fact in a Report and Recommendation, the District Court should make a *de novo* review of the record with respect to the factual issues. 28 U.S.C. § 636(b)(1); *U.S. v. Raddatz*, 447 U.S. 667 (1980); *Jeffrey S. v. State Board of Education of State of Georgia*, 896 F.2d 507 (11th Cir. 1990). Once a timely objection to the Report and Recommendation is made, the District Judge may accept, reject, or modify in whole or in part, the Report and Recommendation of the Magistrate Judge. The District Judge may also receive further evidence or recommit the matter to the Magistrate Judge with further instructions. *Id.*

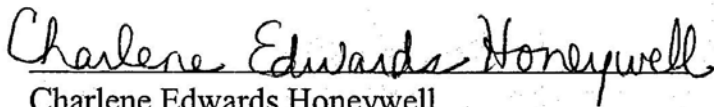
### ANALYSIS

It appears that Plaintiff objects to the Magistrate's Report and Recommendation of dismissal, only insofar as it may cause financial hardship for him to refile his Complaint in another venue. *See* Doc. 4, ¶ 6. To this end, it does not appear that Plaintiff opposes dismissal from this Court. *See id.* In fact, he requests transfer in his prayer for relief. *Id.* The Court will not transfer Plaintiff's cause of action, as it is his responsibility and decision to determine which venue he would like to file in. To the extent that financial hardship is an issue for Plaintiff, he may file a Motion to proceed in *forma pauperis* in the new venue, just as he did in this case. 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. 3) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. Plaintiff Anesh Gupta's Motion to proceed in *forma pauperis* (Doc. 2) is **DENIED**, without prejudice.
3. Plaintiff's Complaint is **DISMISSED**, without prejudice, to it being filed in the appropriate venue.
4. The Clerk is further directed to close this case.

**DONE AND ORDERED** at Orlando, Florida on September 17, 2012.

  
Charlene Edwards Honeywell  
United States District Judge

**COPIES TO:**  
COUNSEL OF RECORD