

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

RON VAN DYKE,

Plaintiff,

v.

Case No: 6:12-cv-1918-Orl-36DAB

**MITCH NEEDLEMAN, J. PRESTON
SILVERNAIL, JOHN M. HARRIS, et al.,**

Defendants.

ORDER

This cause comes before the Court on the Report and Recommendation of Magistrate Judge David A. Baker, filed on February 15, 2013 (Doc. 23). In the Report and Recommendation, the Magistrate Judge recommends that: (1) Defendants Kimberly B. Rezanka, Robert N. Manning, and Dean, Meade, Egerton, Bloodworth, Capouano & Bozarth, P.A.'s Motion to Dismiss and/or Motion to Quash Service of Process (Doc. 10) be granted; and (2) Defendants Judge J. Preston Silvernail and Judge John M. Harris' Motion to Dismiss (Doc. 20) be granted in part. Specifically, the Magistrate Judge recommends that the Court dismiss *pro se* Plaintiff Ron Van Dyke's ("Plaintiff") Complaint (Doc. 1) for failure to state a claim within the limited jurisdiction of the Court, and grant Plaintiff leave to file an Amended Complaint. *See* Doc. 23. None of the parties have objected to the Report and Recommendation and the time to do so has expired.¹

¹ Following the Magistrate Judge's filing of the Report and Recommendation, Plaintiff filed an "Open Letter/Notice" ("Letter") (Doc. 24), which contained a litany of insults (and, at worst, threats) against the Magistrate Judge and this Court, as well as conclusory allegations of a denial of Plaintiff's rights by the Court. However, as the Letter did not refer to any proposed findings

The Court is in agreement with the Magistrate Judge that the Complaint should be dismissed for failure to state a cause of action within the limited jurisdiction of the Court. *See id.* However, based on the fact that Plaintiff is proceeding *pro se*, the Court agrees that Plaintiff should be given an opportunity to file an Amended Complaint. 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.

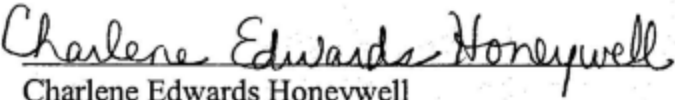
Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 23) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
2. Defendants Kimberly B. Rezanka, Robert N. Manning, and Dean, Meade, Egerton, Bloodworth, Capouano & Bozarth, P.A.'s Motion to Dismiss and/or Motion to Quash Service of Process (Doc. 10) is **GRANTED**.
3. Defendants Judge J. Preston Silvernail and Judge John M. Harris' Motion to Dismiss (Doc. 20) is **GRANTED in part**.
4. Plaintiff's Complaint (Doc. 1) is **DISMISSED without prejudice**. Plaintiff is granted leave to file an Amended Complaint which cures the deficiencies addressed in this Order and the Report and Recommendation within **FOURTEEN (14) DAYS** from the date of this Order.

or recommendations of the Magistrate Judge, it cannot conceivably be construed as an objection to the Report and Recommendation under 28 U.S.C. § 636(b)(1).

5. To the extent that Plaintiff is making claims in his own name (and not on behalf of a trust, account, or other entity), the Amended Complaint must cure the deficiencies addressed in this Order and the Report and Recommendation. To the extent that Plaintiff is making claims on behalf of another entity, he is granted leave to amend such claims only if such entity appears by counsel.
6. Failure to file an Amended Complaint within the time provided in this Order will result in the dismissal of this action without further notice..

DONE and ORDERED in Orlando, Florida on April 8, 2013.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties
United States Magistrate Judge David A. Baker