

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

**MICHAEL WOLTZ,**

**Plaintiff,**

v.

**Case No: 6:13-cv-32-Orl-22KRS**

**SEARS, ROEBUCK & CO, SEARS  
HOLDINGS CORP. and BRANDON  
WILLIAM WALKER,**

**Defendants.**

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**ORDER**

This cause is before the Court on Motion for Leave to Proceed In Forma Pauperis (Doc. No. 2) filed on January 7, 2013.

The United States Magistrate Judge has submitted an amended report recommending that the Motion be GRANTED in part.

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 amended Report and Recommendation.

Therefore, it is **ORDERED** as follows:

1. The amended Report and Recommendation filed February 6, 2013 (Doc. No. 8), is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. The Motion for Leave to Proceed In Forma Pauperis is hereby **GRANTED in part.**
3. Plaintiff's claims against Sears Roebuck & Co. are **DISMISSED without prejudice.**
4. Plaintiff's claims against William Walker are **DISMISSED with prejudice.**

5. Plaintiff is **ALLOWED** to proceed with his claims against Sears Holdings Corp. as stated in his amended complaint without payment of a filing fee.

6. The Clerk is **DIRECTED to TERMINATE** William Walker and Sears Roebuck & Co. as parties to this action.


7. The Clerk is **DIRECTED to MAIL** summonses and Marshal 285 forms to Plaintiff for completion and return to the Court within fifteen (15) days of mailing.

8. The Clerk is **DIRECTED to PROVIDE** the completed service forms to the United States Marshals Service once the completed summonses are returned to the Court.

9. The Clerk is **DIRECTED to PROVIDE** a copy of the Court's Order on this amended Report and Recommendation to the United States Marshals Service.

10. The United States Marshals Service is **DIRECTED to SERVE** the completed service forms upon Sears Holdings Corp. without cost to Plaintiff.

**DONE and ORDERED** in Orlando, Florida on February 25, 2013.

  
ANNE C. CONWAY  
United States District Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties