

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**KENNETH W. WOOD,**

**Plaintiff,**

v.

**Case No: 6:13-cv-1813-Orl-36TBS**

**JOHN MCHUGH,**

**Defendant.**

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Thomas B. Smith on January 8, 2014 (Doc. 6). In the Report and Recommendation, Judge Smith recommends that the Court dismiss Plaintiff's Amended Complaint, with prejudice, and deny Plaintiff's Motion to Proceed In *Forma Pauperis*. Plaintiff filed an Objection to the Report and Recommendation on January 14, 2014 (Doc. 7).<sup>1</sup> In the Objection, Plaintiff requests a jury trial and disputes the facts relied on by the Magistrate Judge in the Report and Recommendation. Plaintiff then attempts to clarify and/or add facts that were not alleged in the Amended Complaint. The Court agrees with the Magistrate Judge's statement of the facts, as alleged by Plaintiff in the Amended Complaint. Therefore, upon consideration of the Report and Recommendation, the Objection by Plaintiff, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted.

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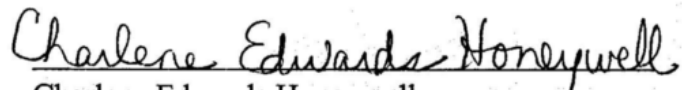
<sup>1</sup> Although labeled an "Amended Cause of Action", the Court treats this document as Plaintiff's objection to the Report and Recommendation.

Accordingly, it is now

**ORDERED AND ADJUDGED:**

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 6) 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 Amended Complaint (Doc. 4) is **dismissed, with prejudice,**
- (3) Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 2) is **DENIED.**
- (4) The Clerk is directed to terminate all pending motions and close this file.

**DONE AND ORDERED** at Orlando, Florida on March 21, 2014.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Thomas B. Smith  
Counsel of Record