

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**FREDERICK D. MOORE,**

**Plaintiff,**

v.

**Case No: 6:13-cv-1829-Orl-36KRS**

**STATE OF FLORIDA and PROBATION  
OFFICER MOORE,**

**Defendants.**

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**ORDER**

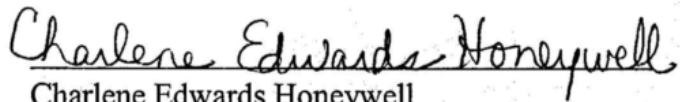
This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Karla R. Spaulding on January 28, 2014 (Doc. 4). In the Report and Recommendation, Judge Spaulding recommends that Plaintiff's Complaint be dismissed with prejudice against Defendants State of Florida and Probation Officer Moore in his or her official capacity and that Plaintiff be given an opportunity to file an amended complaint against Defendant Probation Officer Moore in his or her individual capacity. Plaintiff was furnished a copy of the Report and Recommendation and was afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed. Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

**ORDERED AND ADJUDGED:**

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 4) 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 claims against Defendants State of Florida and Defendant Probation Officer Moore in his or her official capacity, are **dismissed with prejudice**.
- (3) Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. 2) is **DENIED without prejudice**. Plaintiff may file a renewed motion to proceed *in forma pauperis*, upon the filing of an Amended Complaint.
- (4) Plaintiff's Motion for Appointment of Counsel (Doc. 3) is **DENIED without prejudice**.
- (5) Plaintiff is granted leave to file an Amended Complaint against Defendant Probation Officer Moore in his or her individual capacity, which corrects the deficiencies identified in this Order, within **FOURTEEN (14) DAYS** from the date of this Order. Failure to file an Amended Complaint within this time frame will result in this case being closed.

**DONE AND ORDERED** at Orlando, Florida on February 18, 2014.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Karla R. Spaulding  
Counsel of Record