

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

PAULETTA HIGGINS,

Plaintiff,

v.

Case No: 6:14-cv-832-Orl-36TBS

**HAMILTON COUNTY CHILD
PROTECTION SERVICE, KIM
SEXTON, ALEXANDRIA PATSFALL,
JULIE HARRISON, ERNEST LEE,
MARJORIE DAVIS, ERICKA DORITY,
KACY EVES, BRENDA ANTHONY,
KRISTA LONG, TIFFANY FREED,
GLORIA CAMPBELL, ALLISON
MCWORTHER, KIM HAFFORD,
TAMIKA MOORE and BRITTANIE
DUDLEY,**

Defendants.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Thomas B. Smith on June 3, 2014 (Doc. 4). In the Report and Recommendation, Magistrate Judge Smith recommends that the Court dismiss, without prejudice, Plaintiff's complaint and that Plaintiff be given leave to file an amended complaint within twenty-one (21) days. Judge Smith further recommends that Plaintiff's Motion to Proceed In *Forma Pauperis* be carried until Plaintiff has had an opportunity to amend her complaint.

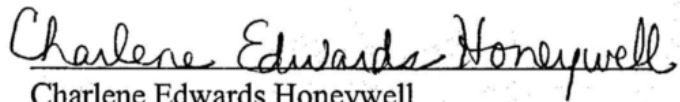
All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed. Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted.

The Court agrees with the Magistrate Judge that Plaintiff has failed to establish subject matter jurisdiction and failed to sufficiently plead a cause of action. 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 Complaint is **DISMISSED**, without prejudice. The Court notes that Plaintiff has already filed an Amended Complaint. *See* Doc 6. Therefore, there is no reason to give Plaintiff twenty-one (21) days to file an amended complaint. The Court accepts Plaintiff's Amended Complaint, as the complaint filed in response to the Report and Recommendation.
- (3) A ruling on Plaintiff Pauletta Higgins' Motion for Leave to Proceed *In Forma Pauperis* (Doc. 3) is **DEFERRED**, pending the Magistrate Judge's review of the Amended Complaint.

DONE AND ORDERED at Orlando, Florida on June 23, 2014.


Charlene Edwards Honeywell
United States District Judge

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