

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

DONTAVIOUS TAY SMITH,

Plaintiff,

v.

Case No. 6:15-cv-527-Orl-37KRS

CRITELLI'S AUTO MART, LLC;
NICHOLAS C. CRITELLI; AMSCOT
FINANCIAL, INC.; CREDIT ONE BANK,
N.A.; and TD BANK, N.A.,

Defendants.

ORDER

This cause is before the Court on the following:

1. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 9), filed April 24, 2015;
2. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 12), filed May 5, 2015; and
3. Plaintiff Tay's Objection[s] to [the] Magistrate's Report and Recommendation, and Motion for Leave to Appoint Counsel (Doc. 13), filed May 20, 2015.

In this action, brought pursuant to the Trafficking Victims Protection Act ("TVPA") and various criminal statutes, U.S. Magistrate Judge Karla R. Spaulding recommends

that the Court deny Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. 9 ("Application")) because: (1) Plaintiff failed to plead adequate facts to plausibly state a claim under the TVPA; and (2) Plaintiff cannot bring civil claims under criminal statutes that provide him with no private right of action. (Doc. 12 ("R&R").) Plaintiff objects to the R&R. (Doc. 13 ("Objections").)

When a party objects to a magistrate judge's findings, the district court must "make a de novo determination of those portions of the report . . . to which objection is made." 28 U.S.C. § 636(b)(1). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* The district court must consider the record and factual issues based on the record independent of the magistrate judge's report. *Ernest S. ex rel. Jeffrey S. v. State Bd. of Educ.*, 896 F.2d 507, 513 (11th Cir. 1990).

Having conducted an independent, de novo review, and upon consideration of the entire record and Plaintiff's Objections, the Court agrees with Magistrate Judge Spaulding's comprehensive, well-reasoned R&R (Doc. 12).

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

1. Plaintiff Tay's Objection[s] to [the] Magistrate's Report and Recommendation (Doc. 13) are **OVERRULED**.
2. U.S. Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 12) is **ADOPTED AND CONFIRMED** and made a part of this Order.
3. Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 9) is **DENIED**.
4. Plaintiff's [Amended] Complaint and Demand for Jury Trial (Doc. 10) is

DISMISSED WITH PREJUDICE. The Clerk is **DIRECTED** to terminate all pending motions.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 26, 2015.




ROY B. DALTON JR.
United States District Judge

Copies:

Pro Se Party