

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

DOROTHY HARRIS,

Plaintiff,

v.

Case No: 6:17-cv-130-Orl-18GJK

ASURION, LLC,

Defendant.

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**ORDER**

This case was referred to United States Magistrate Gregory J. Kelly for a report and recommendation on Plaintiff Dorothy Harris's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 7). Judge Kelly entered a Report and Recommendation (Doc. 11) on February 13, 2017, to which no timely objections were filed.

Having reviewed the Report and Recommendation (Doc. 11), it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Gregory J. Kelly's Report and Recommendation (Doc. 11) is **APPROVED** and **ADOPTED** and is made part of this Order for all purposes, including appellate review;
2. Plaintiff Dorothy Harris's Application to Proceed in District Court without Prepaying Fees or Costs (Doc. 7) is **DENIED**;
3. Plaintiff Dorothy Harris's Amended Complaint (Doc. 6) is **DISMISSED**; and
4. Plaintiff Dorothy Harris is granted leave to file a second amended complaint within <sup>14</sup> ~~business~~ days along with a renewed motion to proceed *in forma pauperis*. Failure to file a

second amended complaint within the time permitted will result in dismissal of the case without further notice. In the second amended complaint, Plaintiff should include:

- a. the basis upon which the Court has subject matter jurisdiction;
- b. what rights under the Constitution, laws, or treaties of the United States or otherwise have allegedly been violated by Defendant;<sup>1</sup>
- c. a short plain statement of facts as to each claim and the Defendant's involvement in the violation alleged in each claim;
- d. how Plaintiff has been damaged or injured by the actions or omissions of the Defendant; and
- e. a clear statement of the relief sought.

The second amended complaint should not refer back to the original or amended complaints. Plaintiff shall mail or provide the second amended complaint to the Court with a copy for each defendant. **At the time Plaintiff files the second amended complaint, Plaintiff shall also file a renewed motion to proceed *in forma pauperis* using an approved form or pay the full filing fee.**

**DONE AND ORDERED** in Orlando, Florida, this 23 day of March, 2017.

  
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**G. KENDALL SHARP**  
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:  
Unrepresented Parties

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<sup>1</sup> It is improper for Plaintiff to merely list constitutional rights or federal statutes.