

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FILED

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U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDA

FRANK BRETT,

Plaintiff,

v.

Case No. 6:17-cv-313-Orl-18KRS

U.S. MARSHALL RODRIGUEZ, et al.,

Defendants.

ORDER

THIS CAUSE comes for consideration on Plaintiff Frank Brett's Complaint (Doc. 1), motion to appoint counsel (Doc. 2), motion for leave to file under seal (Doc. 3), motion for leave to proceed in forma pauperis (Doc. 4), and motion to amend/correct complaint (Doc. 7). On March 1, 2017, Magistrate Judge Karla R. Spaulding issued a Report and Recommendation (Doc. 8) wherein Magistrate Judge Spaulding recommends that the Court dismiss Plaintiff's Complaint (Doc. 1) pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). (Doc. 8 at 1, 4.) Having reviewed the Report and Recommendation (Doc. 8) and filings in this case, and there being no timely objections filed, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Karla R. Spaulding's Report and Recommendation (Doc. 8) is **APPROVED** and **ADOPTED** and is made part of this Order for all purposes, including appellate review;
2. Plaintiff Frank Brett's Complaint (Doc. 1) is **DISMISSED**;
3. Plaintiff Frank Brett's motion to appoint counsel (Doc. 2), motion for leave to file under seal (Doc. 3), motion for leave to proceed in forma pauperis (Doc. 4), and motion to amend/correct complaint (Doc. 7) are all **DENIED**;
4. The Clerk of Court is **DIRECTED** to delete Plaintiff Frank Brett's motion for leave to file under seal (Doc. 3) from CM/ECF and to subsequently return the document to Plaintiff Frank Brett and unseal the case;

5. Plaintiff Frank Brett is prohibited from filing additional cases in this division of the Court before pre-screening by the senior Magistrate Judge. In the event Plaintiff Frank Brett attempts to file a complaint in this division of the Court, any such future complaints are subject to the following pre-screening procedures:
- a. The Clerk is **DIRECTED** to forward all such complaints to the senior Magistrate Judge in the Orlando Division for preliminary review and screening. The Magistrate Judge will then determine whether the Complaint has arguable merit.
 - i. If the action is found to be arguably meritorious—with a basis in both law and fact—the Magistrate Judge shall issue an order to that effect and direct the Clerk of Court to file the complaint for normal assignment. The order of the Magistrate Judge shall be docketed along with the complaint in the new civil case.
 - ii. If the complaint is found to have no arguable merit, the Magistrate Judge shall enter an order stating such findings and docket the order in this file. The Clerk's Office shall enter a copy of the complaint in this file and return the original complaint to Plaintiff. If Plaintiff's complaint is found to be meritless, Plaintiff may be subject to monetary and/or other sanctions as the Court deems appropriate.
6. The Clerk of the Court is directed to **TERMINATE** any other pending motions and, thereafter, **CLOSE** the case.

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



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party