

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

FRANK BRETT,

Plaintiff,

v.

Case No: 6:17-cv-376-Orl-41TBS

**DAVID BAKER, BILL NAULLY,
DAVID SAMSON, CAPE REGIONAL
MEDICAL CENTER BOSS, JOHN
WHITE, DAVID GRAHAM, RB
HOMES, ROB LAUFF, STENGERS,
ISCOLI, GREEN, STERLING
TARBETT, MRS. PITIE, STEPHIE
BRYGHAM LAYATA, ORLANDO
RESCUE MISSION, ROBERT
RODIWELL, LOUIS VASQUEZ,
UNKNOWN BOSS, CHUCK SNYDER,
JACK MILLER, JOHN MCCORMACK
and TOM HILTON,**

Defendants.

ORDER

THIS CAUSE is before the Court on Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2) and Motion for Leave to File Under Seal (Doc. 3).¹ United States Magistrate Judge Thomas B. Smith submitted a Report and Recommendation ("R&R," Doc. 4), in which he recommends that the motions be denied and the Complaint (Doc. 1) be dismissed without leave to amend.

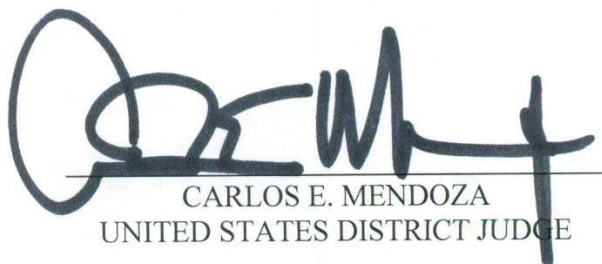
¹ The Complaint, motions, and other documents contained in this file are unable to be scanned into the electronic record due to their physical condition. The paper file will be retained in the Clerk's Office.

Judge Smith further recommends that a *Martin-Trigona* order be issued against Plaintiff as a serial filer. However, subsequent to the issuance of the R&R, United States District Judge G. Kendall Sharp issued such an order. *See Brett v. U.S. Marshall Rodriguez*, Case No. 6:17-cv-313-Orl-18KRS (M.D. Fla. Mar. 28, 2017), Doc. 9. Therefore, insofar as the R&R recommends the issuance of a *Martin-Trigona* order, the R&R is moot and will not be addressed in this Order. After a *de novo* review of the record, and noting that no objections were timely filed, this Court agrees with the analysis in the remainder of the R&R.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 4) is **ADOPTED** and **CONFIRMED** and made a part of this Order to the extent stated herein.
2. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2) and Motion for Leave to File Under Seal (Doc. 3) are **DENIED**.
3. The Complaint (Doc. 1) is **DISMISSED without prejudice**. The Clerk is directed to close this case.

DONE and **ORDERED** in Orlando, Florida on April 18, 2017.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party