

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

**ALBERT PAGE and KIMBERLY
PAGE,**

Plaintiffs,

v.

Case No: 6:18-cv-788-Orl-41GJK

**JOSEPH DAPRILLE, KELLY HOFF,
WANDA RIVERA, CITY OF
ORLANDO, FLORIDA, BUDDY DYER,
ORLANDO POLICE DEPARTMENT,
CHIEF, ORLANDO POLICE
DEPARTMENT, OFFICER RAMOS,
ORANGE COUNTY SHERIFF
DEPARTMENT, CHIEF, ORANGE
COUNTY SHERIFF DEPARTMENT, C.
BORZYCH, DAVID TRAVIN and
OFFICER DORAN,**

Defendants.

ORDER

THIS CAUSE is before the Court on Plaintiffs' Motion to Proceed *In Forma Pauperis* ("Motion," Doc. 2). United States Magistrate Judge Gregory J. Kelly submitted a Report and Recommendation ("R&R," Doc. 7), in which he recommends that the Motion be denied. Further, Judge Kelly recommends that the Complaint (Doc. 1) be dismissed without prejudice and that Plaintiffs be given an opportunity to file an amended complaint along with a renewed motion to proceed *in forma pauperis*. (Doc. 7 at 5).

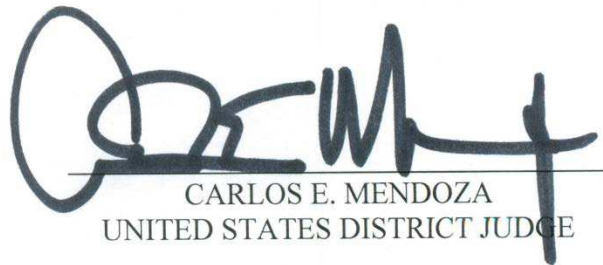
Plaintiffs filed a Motion for Extension of Time to File Amended Complaint and Renewed Motion for Leave to Proceed *In Forma Pauperis*, (*see generally* "Motion for Extension," Doc. 8), which the Court construes as an Objection to the R&R. Plaintiffs requested that the Motion for

Extension to serve as a “Notice of Appeal Objection” should the Motion be denied. (*Id.* at 1) The Motion for Extension was refiled as such (Doc. 10). Plaintiffs’ Objection does not address Judge Kelly’s legal analysis and thus does not serve as a basis for this Court to conduct a *de novo* review. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

After reviewing the record in this matter, the Court agrees with the analysis set forth in the R&R. Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 7) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiffs’ Motion to Proceed *In Forma Pauperis* (Doc. 2) is **DENIED**.
3. The Complaint (Doc. 1) is **DISMISSED without prejudice**. **On or before November 8, 2018**, Plaintiffs may file an amended complaint and a renewed motion to proceed *in forma pauperis*. Failure to do so may result in dismissal of the case without further notice.

DONE and **ORDERED** in Orlando, Florida on October 22, 2018.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties