

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

RICHARD LEE WOODBURY, et al.,

Plaintiff(s),

v.

Case No: 8:10-cv-772-T-30AEP

CITY OF TAMPA POLICE  
DEPARTMENT, et al.,

Defendant(s).

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**ORDER**

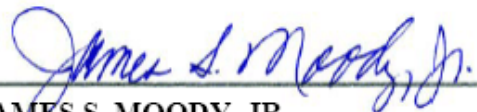
**THIS CAUSE** came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Anthony E. Porcelli (Dkt. #7), the Plaintiff's Objections thereto (Dkt. #9), and Plaintiff's Motion for Leave to File Second Amended Complaint (Dkt. #8).

After careful consideration of the Report and Recommendation of the Magistrate Judge in conjunction with an independent examination of the file, the Court is of the opinion that Plaintiff's Motion for Leave to File Second Amended Complaint should be granted and the Magistrate Judge's Report and Recommendation should be denied as moot.

**ACCORDINGLY**, it is therefore, **ORDERED AND ADJUDGED** that:

1. Plaintiff's Motion for Leave to File Second Amended Complaint (Dkt. #8) is hereby GRANTED.
2. The CLERK is directed to separately docket Plaintiff's Second Amended Complaint and any exhibits to same.
3. The Report and Recommendation (Dkt. #7) of the Magistrate Judge is denied as moot.
4. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Dkt. #2) shall remain pending for the Magistrate Judge's review in light of Plaintiff's Second Amended Complaint.

**DONE** and **ORDERED** in Tampa, Florida on May 13, 2010.

  
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**JAMES S. MOODY, JR.**  
**UNITED STATES DISTRICT JUDGE**

**Copies Furnished to:**  
Counsel/Parties of Record

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