

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

TRACY BARBER,

Plaintiff(s),

v.

Case No: 8:10-CV-1113-T-30EAJ

STATE OF FLORIDA,

Defendant(s).

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Elizabeth A. Jenkins (Dkt. #4). The Court notes that neither party filed written objections to the Report and Recommendation and the time for filing such objections has elapsed.

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 the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects. The Court notes that Plaintiff filed an Amended Complaint (Dkt. #5) on July 1, 2010.

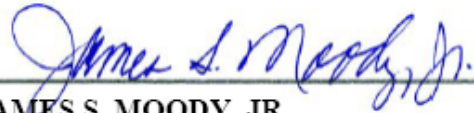
ACCORDINGLY, it is therefore, **ORDERED AND ADJUDGED**:

1. The Report and Recommendation (Dkt. #4) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.

2. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Dkt. #2) is DENIED without prejudice.

3. Plaintiff may file an Amended Complaint within twenty (20) days of the entry of this Order. Failure to file an Amended Complaint shall result in a dismissal of this action without further notice.

DONE and ORDERED in Tampa, Florida on July 13, 2010.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished to:
Counsel/Parties of Record

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