

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

JAMES WILLIAMS, *pro se*,

Plaintiff(s),

v.

Case No: 8:10-MC-68-T-30TBM

DAVEY TREE SERVICE,

Defendant(s).

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Thomas B. McCoun, III (Dkt. #2). 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.

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

1. The Report and Recommendation (Dkt. #2) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes,

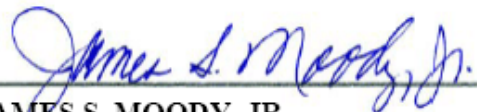
including appellate review.

2. The Plaintiff's construed Motion to Proceed *In Forma Pauperis* (Dkt. #1) is DENIED without prejudice.

3. This case is DISMISSED without prejudice. Plaintiff may file a Complaint consistent with the pleading requirements of the Federal Rules of Civil Procedure within twenty (20) days of the date of this Order. Failure to do so shall result in the dismissal of this action without further notice.

4. Plaintiff's second Motion to Proceed *In Forma Pauperis* (Dkt. #3) filed on July 12, 2010, is DENIED as being premature.

DONE and **ORDERED** in Tampa, Florida on July 14, 2010.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished to:
Counsel/Parties of Record

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