

**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).

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**ORDER**

**THIS CAUSE** came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Thomas B. McCoun, III (Dkt. #7). 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. #7) of the Magistrate Judge is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes,

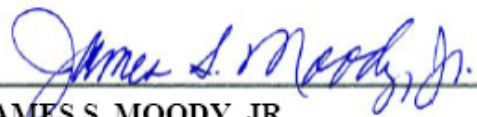
including appellate review.

2. The Complaint (Dkt. #5) is DISMISSED.

3. The Plaintiff's construed motion to proceed *in forma pauperis* (Dkt. #6) is DENIED without prejudice.

4. The Plaintiff is directed to file an Amended Complaint consistent with the pleading requirements of the Federal Rules of Civil Procedure within twenty (20) days of the date of this Order, failing which this case shall be dismissed without further notice.

**DONE** and **ORDERED** in Tampa, Florida on September 2, 2010.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

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

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