

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

RALPH CAFARO,

Plaintiff,

v.

Case No. 8:14-cv-00911-T-27EAJ

JURISCO BOND et al.,

Defendants.

ORDER

BEFORE THE COURT is the Report and Recommendation (Dkt. 4) of the Magistrate Judge recommending that Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Dkt. 2) be denied without prejudice, the Complaint (Dkt. 1) be dismissed without prejudice, and Plaintiff be given an opportunity to file an amended complaint. Plaintiff has not objected to the Report and Recommendation, but he filed an Amended Complaint during the time for objections (Dkt. 7). The Amended Complaint (Dkt. 7), however, fails to establish subject-matter jurisdiction for the reasons stated in the Report and Recommendation. *See* 28 U.S.C. § 1332(a); *Mobil Corp. v. Saudi Basic Indus. Corp.*, 544 U.S. 280, 284 (2005).

Accordingly,

- 1) The Report and Recommendation (Dkt. 4) is **APPROVED in part**.
- 2) Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Dkt. 2) is **DENIED without prejudice**.
- 3) The Amended Complaint (Dkt. 4) is **DISMISSED without prejudice**.

4) Plaintiff is **GRANTED** leave to file a second amended complaint and a renewed motion to proceed *in forma pauperis* within **twenty-one (21) days** of the date of this Order. **Failure to adequately allege federal subject-matter jurisdiction in the second amended complaint will result in dismissal of this action with prejudice without further notice.**

DONE AND ORDERED this 27th day of May, 2014.



JAMES D. WHITTEMORE
United States District Judge

Copies to: Plaintiff