

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

LUNDY DUKES,

Plaintiff,

vs.

Case No. 8:15-cv-2267-T-27AEP

1ST AMERICAN STORAGE CO., INC.,

Defendant.

ORDER

BEFORE THE COURT is the Report and Recommendation submitted by the Magistrate Judge recommending that Plaintiff's Affidavit of Indigency, construed as a motion to proceed *in forma pauperis* (Dkt. 2), be denied. (Dkt. 4). Plaintiff did not object to the Report and Recommendation, and the time for filing such objections has elapsed. After careful consideration of the Report and Recommendation, in conjunction with an independent examination of the file, the Court is of the opinion that the Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is **ORDERED** that the Report and Recommendation (Dkt. 4) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review. Plaintiff's Affidavit of Indigency, construed as a motion to proceed *in forma pauperis*, is **DENIED**. Plaintiff's Complaint is **DISMISSED without prejudice**. Plaintiff is granted twenty-one (21) days to amend his complaint. **Failure to file an amended complaint by this deadline will result in dismissal of this case without further notice.**

DONE AND ORDERED this 15th day of December, 2015.


JAMES D. WHITTEMORE
United States District Judge

Copies to: *Pro se* Plaintiff