

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JEFFERY DANIEL GLADNEY,

Plaintiff,

v.

Case No: 8:16-cv-1700-T-36TBM

INTERNAL REVENUE SERVICE,

Defendant.

ORDER

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Thomas B. McCoun III on July 5, 2016 (Doc. 5). In the Report and Recommendation, Magistrate Judge McCoun recommends that the Court DISMISS the Petition (Doc. 1) and DENY without prejudice Plaintiff's motion to proceed *in forma pauperis* (Doc. 2). Magistrate Judge McCoun further recommends that the Court grant Plaintiff permission to file a Financial Affidavit fully setting forth his income and liabilities and an Amended Complaint, which clearly sets forth a cause of action consistent with the pleading requirements of the Federal Rules of Civil Procedure and which clearly states the basis of this Court's jurisdiction, within twenty (20) days of the Court's Order, failing which may result in a dismissal of the action without further notice. All parties were furnished copies of the Report and Recommendation and were afforded the opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). No such objections were filed.

Upon consideration of the Report and Recommendation, and upon this Court's independent examination of the file, it is determined that the Report and Recommendation should be adopted. Accordingly, it is now

ORDERED AND ADJUDGED:

- (1) The Report and Recommendation of the Magistrate Judge (Doc. 5) 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 to Proceed *In Forma Pauperis* (Doc. 2) is **DENIED**, without prejudice. Plaintiff may file an amended motion to proceed *in forma pauperis*, including a financial affidavit which fully sets forth his income and liabilities.
- (3) Plaintiff's Petition (Doc. 1) is **DISMISSED** without prejudice. Plaintiff is granted leave to file an amended complaint within **twenty (20) days** from the date of this Order which clearly set forth a cause of action consistent with the pleading requirements of the Federal Rules of Civil Procedure and which clearly states the basis of this Court's jurisdiction. **Failure to comply with this Order may result in the dismissal of this action without further notice.**

DONE AND ORDERED at Tampa, Florida on July 25, 2016.


Charlene Edwards Honeywell
United States District Judge

Copies to:
The Honorable Thomas B. McCoun III
Counsel of Record