

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FREDDIE WILSON,

Plaintiff,

v.

CASE NO. 8:16-cv-2102-T-23AAS

BANK OF AMERICA,

Defendant.

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ORDER

The magistrate judge recommends (Doc. 14) denying Freddie Wilson's motion (Doc. 11) to proceed *in forma pauperis* and recommends dismissing the action for failing to state a claim.* Wilson objects (Doc. 15) to the report and recommendation. A de novo review of the report and recommendation reveals that Wilson's objections are unfounded, unpersuasive, or anticipated by the magistrate judge. Accordingly, Wilson's objections (Doc. 15) are **OVERRULED**, and the report and recommendation (Doc. 14) is **ADOPTED**. Wilson's motions (Docs. 2, 10, and 11) to proceed *in forma pauperis* are **DENIED**. Wilson's amended complaint (Doc. 9) is **DISMISSED**. Bank of America's motion (Doc. 13) to dismiss is **DENIED AS MOOT**. Wilson's motion (Doc. 16) to "strike Bank of America Motion to Dismiss and Entry of Summary Judgment" is **DENIED**. Wilson's motion

* Specifically, the magistrate judge finds that Wilson's "affidavit demonstrates the requisite inability to pay the filing fee" but that Wilson's "Amended Complaint (Doc. 9) is subject to dismissal because it fails to state a claim that invokes the Court's jurisdiction and is plausible on its face." (Doc. 14 at 2)

(Doc. 18) “in Support of Summary Judgment and Motion to Strike Bank of America Motion to Dismiss” is **DENIED**. No later than **NOVEMBER 14, 2016**, Wilson may amend the complaint, which must adequately plead jurisdiction and state a cognizable claim. Also, no later than **NOVEMBER 14, 2016**, Wilson must pay the filing fee or file a new affidavit of indigency.

In preparing the amended complaint Wilson must comply with the Federal Rules of Civil Procedure and the Local Rules. For example, Rule 8, Federal Rules of Civil Procedure states that a complaint must include “(1) a short and plain statement of the grounds for the court’s jurisdiction[;] . . . (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought.” Also, Wilson is warned that litigation in federal court is difficult. Wilson’s complaint suffers from deficiencies that suggest Wilson requires legal advice and assistance from a member of The Florida Bar. The court cannot assist a party, even a *pro se* party, in conducting a case. Therefore, Wilson is strongly advised to consult a member of The Florida Bar.

ORDERED in Tampa, Florida, on October 31, 2016.



STEVEN D. MERRYDAY
UNITED STATES DISTRICT JUDGE