

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

LIVIA M. SCOTTO,

Plaintiff,

v.

Case No: 8:16-cv-2941-T-30JSS

JEFF SMIESK, BRETT HART, OSCAR MUNOZ, GLENN F. TILTON, UNITED STATES, UNITED AIRLINES, ERIC HOLDER, DONALD VERRELLI, JR. , JOHN KERRY, SOCIAL SECURITY ADMINISTRATION, OFFICE OF GENERAL COUNSEL, DAVID BLACK, LUCINDA DAVIS, DOROTHEY M. GUY, ATTORNEY OF RECORD, MICHELLE KANE, JUDGE LANCE, JUDICIAL OFFICERS USBVA, SECRETARY OF USVA, US COURT OF VETERANS, THE CORPORATION TRUST COMPANY, REED SMITH, PRYOR CUSHMAN, CADES SCHUTTE, DEELY KING PANG HORIO, LEONG LEONG LEZY, DOUGLAS THOMAS MOORE, U.S.E.E.O.C., UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, U.S. DEPARTMENT OF LABOR, DEPARTMENT OF VETERANS AFFAIRS, BOARD OF VETERANS AFFAIRS, MILES MIYAMOTO, COUNSEL OF RECORD, DAMON KEY, STATE OF HAWAII, ROY GONSALVES, DONNA LEONG, K. KANESHIRO, CORPORATION COUNSEL, COLONEL HAN and DEPARTMENT OF DEFENSE,

Defendants.

ORDER

THIS CAUSE came on for consideration upon the Report and Recommendation submitted by Magistrate Judge Julie S. Sneed (Dkt. #3). 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. #3) 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. Plaintiff's Motion for Leave to Proceed *in Forma Pauperis* (Dkt. #2) is DENIED without prejudice.

3. Plaintiff's Complaint (Dkt. #1) is DISMISSED without prejudice and with leave to file an amended complaint that complies with the Federal Rules of Civil Procedure. *See Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001) ("Generally, where a more carefully drafted complaint might state a claim, a plaintiff must be given at least one chance to amend the complaint before the district court dismisses the action with prejudice.") (internal quotation and citation omitted).

4. Should Plaintiff wish to file an amended complaint, it shall be filed within twenty (20) days of the date of this Order.

5. Failure to file an amended complaint within the allotted time period shall result in the dismissal of this case without further notice.

DONE and **ORDERED** in Tampa, Florida, this 7th day of November, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies Furnished To:
Counsel/Parties of Record

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