

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

THE CREEK ANI'YUN-WIYA TRIBAL  
NATION, Indian Country, America ex-rel  
LILIETH D. AGARD SMITH-BEY and  
OSWALD SMITH-BEY,

Plaintiffs,

v.

Case No: 8:17-mc-28-T-36AEP

BANK OF NEW YORK MELLON TRUST  
NATIONAL ASSOCIATION,

Defendant.

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**ORDER**

This cause comes before the Court upon the Report and Recommendation filed by Magistrate Judge Anthony E. Porcelli on May 2, 2017 (Doc. 3). In the Report and Recommendation, Magistrate Judge Porcelli recommends that Plaintiff Chief Bey's request to proceed in *forma pauperis* (Doc. 2) be denied and Plaintiffs' case (Doc. 1) be dismissed. 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. 3) is adopted, confirmed, and approved in all respects and is made a part of this Order for all purposes, including appellate review.
- (2) Plaintiff Chief Bey's request to proceed in *forma pauperis* (Doc. 2) is DENIED.

- (3) Plaintiffs' case (Doc. 1) is dismissed.
- (4) The Clerk is directed to terminate all pending motions and close this file.

**DONE AND ORDERED** at Tampa, Florida on May 22, 2017.

  
Charlene Edwards Honeywell  
United States District Judge

Copies to:  
The Honorable Anthony E. Porcelli  
Counsel of Record