

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

CAROL P. RICKS,

Plaintiff,

vs.

CASE NO. 5:12-cv-80/RS/EMT

GAYOLA SPROUSE,

Defendant.

_____ /

ORDER

Before me are the Magistrate Judge's Report and Recommendation (Doc. 4) and Defendant's Objections (Doc. 7). I have considered the objections *de novo*.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order except to the extent that it incorrectly states that Defendant failed to pay the filing fee. The payment of the filing fee does not affect the Report's conclusions about subject matter jurisdiction.
2. This case is **DISMISSED** and is remanded to the Florida First District Court of Appeals.
3. Other pending motions are denied as moot.

ORDERED on May 7, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE