

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA
Miami Division

Case Number: 14-61706-CIV-MORENO

MAXIMO RAMOS ARANGO,

Plaintiff,

vs.

MR. SERGEANT BUTLER, *et al.*,

Defendants.

**ORDER ADOPTING MAGISTRATE'S REPORT AND RECOMMENDATION
AND DISMISSING CASE WITHOUT PREJUDICE**

THE MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge for a Report and Recommendation on Plaintiff's Complaint (D.E. No. 1), filed on July 25, 2014. The Magistrate Judge filed a Report and Recommendation (D.E. No. 4) on August 21, 2014. The Court has reviewed the entire file and record. The Court has made a *de novo* review of the issues that the objections to the Magistrate Judge's Report and Recommendation present, and being otherwise fully advised in the premises, it is

ADJUDGED that United States Magistrate Judge Patrick A. White's Report and Recommendation (D.E. No. 4) on is **AFFIRMED** and **ADOPTED**. Accordingly, it is

ADJUDGED that Plaintiff's Application to Proceed *In Forma Pauperis* is DENIED and the complaint is DISMISSED without prejudice pursuant to 28 U.S.C. § 1915(g). In his objections, the Plaintiff states that he did not request his complaint be categorized as *in forma pauperis*. The Plaintiff, however, has not paid the filing fee in this case. Accordingly, it is proper to analyze his complaint under the rubric of 28 U.S.C. § 1915. The Court agrees with the Report and Recommendation that it is proper to dismiss this case without prejudice under 28 U.S.C. § 1915(g).

DONE AND ORDERED in Chambers at Miami, Florida, this 15 day of September, 2014.



FEDERICO A. MORENO
UNITED STATES DISTRICT JUDGE

Copies provided to:
United States Magistrate Judge Patrick A. White
Counsel of Record