

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 11-20152-CIV-ALTONAGA/Brown**

**GUSTAVO ABELLA,**

Plaintiff,

vs.

**TOWN OF MIAMI LAKES  
COUNSEL WOMAN  
NANCY SIMON, et al.,**

Defendants.

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**ORDER**

**THIS CAUSE** came before the court on Judge Brown's Report and Recommendation (the "Report") [ECF No. 15], entered on February 1, 2011. Judge Brown recommends that Mr. Abella's Complaint [ECF No. 1] be dismissed because it does not state a claim and because the form of the Complaint does not conform to the requirements of Federal Rule of Civil Procedure 10(b).

Plaintiff has not filed any objections to the Report. However, within the time permitted for the filing of objections, Mr. Abella has filed a Motion for Leave to File an Amended Complaint [ECF No. 16] and a copy of his proposed Amended Complaint [ECF No. 17]. Accordingly, it is


**ORDERED AND ADJUDGED** as follows:

1. The Report and Recommendation [ECF No. 15] is hereby **AFFIRMED and ADOPTED**.
2. The Complaint [ECF No. 1] is **DISMISSED without prejudice**.
3. The case is **REFERRED** to **United States Magistrate Judge Stephen T. Brown** to consider the Motion for Leave to File an Amended Complaint, for rulings on all

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pre-trial, non-dispositive matters, and for issuance of a Report and Recommendation on any dispositive matters.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 10th day of February, 2011.

  
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**CECILIA M. ALTONAGA**  
**UNITED STATES DISTRICT JUDGE**

cc: counsel of record  
Gustavo A. Abella, *pro se*