

FILED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

2008 DEC 30 P 3: 53

SUSAN HERBERT,

Plaintiff,

v.

Case No.:3:08-cv-1164-J-20TEM

BARACK OBAMA and
THE UNITED STATES OF
AMERICA,

Defendants.

ORDER

Before the Court is Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. 2, filed December 04, 2008). A Report and Recommendation (Doc. No. 5) was entered by the United States Magistrate Judge on December 8, 2008. Plaintiff filed an objection to the Report and Recommendation (Doc. 6) on December 23, 2008.

Upon this Court's *de novo* review, it concurs with the recommendation that the Plaintiff's original Complaint should not be granted *in forma pauperis* status, so her Motion is **DENIED** as the Complaint is frivolous on its face. Therefore, the Court **ACCEPTS and ADOPTS** the Report and Recommendation, and the case is hereby **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to close the file.

DONE AND ENTERED at Jacksonville, Florida, this 30th day of December, 2008.


HARVEY E. SCHLESINGER
United States District Judge

Copies to:
Susan Herbert, *Pro se*