

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

DENISE NEAL,

Plaintiff,

v.

CASE NO. 3:17-cv-114-J-34MCR

ZINA SINCLAIR, in her individual  
capacity,

Defendant.

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**REPORT AND RECOMMENDATION<sup>1</sup>**

On September 22, 2017, the undersigned entered an Order denying without prejudice *pro se* Plaintiff's Amended Motion for Final Default Judgment against Defendant (Doc. 13), subject to Plaintiff filing an amended complaint on or before November 10, 2017. (See Doc. 14.) The Order also instructed Plaintiff to serve the amended complaint on or before December 1, 2017. (Doc. 14 at 9.) The Court cautioned Plaintiff that the "[f]ailure to comply with th[e] Order may result in a recommendation that the case be dismissed for want of prosecution pursuant to Local Rule 3.10(a)." (*Id.*) Plaintiff failed to comply with the Order

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<sup>1</sup> "Within 14 days after being served with a copy of [a report and recommendation on a dispositive motion] a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was not made. See Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Local Rule 6.02.

and, on December 5, 2017, the Court entered an Order to show cause why the case should not be dismissed for Plaintiff's failure to prosecute and to comply with the Court's September 22, 2017 Order. (Doc. 15.) The Order required the Plaintiff to file a written response with the Court on or before December 21, 2017, and provided that the "[f]ailure to respond to th[e] Order will likely result in a recommendation that the case be dismissed without further notice." (*Id.* at 1-2.) To date, Plaintiff has not filed a written response to the show cause Order, has not filed an amended complaint and has not requested an extension of time to do so.

Accordingly, it is respectfully **RECOMMENDED** that this case be **DISMISSED without prejudice** for failure to prosecute pursuant to Local Rule 3.10(a).

**DONE AND ENTERED** at Jacksonville, Florida, on December 28, 2017.

  
MONTE C. RICHARDSON  
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Honorable Marcia Morales Howard  
United States District Judge

*Pro se* Plaintiff