

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

JIMMIE LAZENBERRY,

Plaintiff,

Case No. 3:17-cv-01412-J-34JRK

vs.

FEMA,

Defendant.

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

This cause is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) (Doc. No. 3), filed December 27, 2017, that the Court construes as a Motion to Proceed In Forma Pauperis. Upon review of the file, the undersigned recommends that the case be dismissed for failure to prosecute.

Plaintiff initiated this action pro se on December 18, 2017 by filing a document titled "Brief Description of Causes" (Doc. No. 1) that the Court construes as a Complaint. On January 16, 2018, the undersigned entered an Order (Doc. No. 4; "Order"), taking the Motion under advisement. Observing that the Complaint appears subject to dismissal for frivolity and failure to state a viable claim upon which relief may be granted, the undersigned directed Plaintiff to file an Amended Complaint by February 15, 2018; alternatively, Plaintiff was directed to pay the filing fee by February 15, 2018. See Order at 1, 6.

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<sup>1</sup> "Within 14 days after being served with a copy of [a report and recommendation on a dispositive issue], 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 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.

Plaintiff failed to act by February 15, 2018. Consequently, the undersigned entered an Order to Show Cause (Doc. No. 5) on February 22, 2018, directing Plaintiff to show cause by March 21, 2018 as to why the undersigned should not recommend dismissal of the matter for failure to prosecute. See Order to Show Cause at 1-2. Plaintiff was also directed to comply with the January 16, 2018 Order by March 21, 2018. Plaintiff was warned that failure to respond by March 21, 2018 may result in a recommendation of dismissal without further notice. Id. at 2.

To date, Plaintiff has not responded in any way to the February 22, 2018 Order to Show Cause, and he has not complied with the January 16, 2018 Order. Accordingly, it is

**RECOMMENDED:**

1. That this case be **DISMISSED without prejudice** for failure to prosecute pursuant to Rule 3.10(a), Local Rules, United States District Court, Middle District of Florida.
2. That the Clerk of Court be directed to terminate all pending motions and close the file.

**RESPECTFULLY RECOMMENDED** at Jacksonville, Florida on April 2, 2018.

  
JAMES R. KLINDT  
United States Magistrate Judge

bhc  
Copies to:

Honorable Marcia Morales Howard  
United States District Judge

Pro se party