

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

DAVID HONAKER,

Plaintiff,

v.

Case No: 5:18-cv-259-Oc-30PRL

**ELIZABETH BUTLER and SUMTER
COUNTY SHERIFFS OFFICE**

Defendants.

REPORT & RECOMMENDATION¹

Pro se Plaintiff has filed a motion to proceed *in forma pauperis* (Doc. 2). By prior order, the Court conducted a frivolity review of the Complaint pursuant to 28 U.S.C. § 1915(e)(2) and noted that Plaintiff's complaint failed to state a claim on which relief could be granted. (Doc. 4). The deficiencies of Plaintiff's complaint are outlined in the Court's prior order. (Doc. 4). Plaintiff was granted until August 17, 2018 to file an amended complaint or pay the appropriate filing fee.

Plaintiff has failed to file an amended complaint or pay the fee, and the time for doing so has expired. Accordingly, it is **recommended** that Plaintiff's motion to proceed *in forma pauperis* (Doc. 2) be **denied** for the reasons previously stated (Doc. 4), and this case be **dismissed without prejudice**.

¹ Within 14 days after being served with a copy of the recommended disposition, a party may file written objections to the Report and Recommendation's factual findings and legal conclusions. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); Local Rule 6.02. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Recommended in Ocala, Florida on August 23, 2018.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Presiding District Judge
Counsel of Record
Unrepresented Party
Courtroom Deputy