

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

CARLOS RUBIO CORRALES,

Plaintiff,

v.

CASE NO. 3:18-cv-333-J-34JBT

AUDREY SHEPHERD,

Defendant.

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

**THIS CAUSE** is before the Court *sua sponte*. On March 8, 2018, pro se Plaintiff filed a Notice of Intent (“Notice”) (Doc. 1) without paying the \$400.00 filing fee or filing a request to proceed *in forma pauperis* by submitting an Affidavit of Indigency as required. See 28 U.S.C. §§ 1914(a), 1915(a)(1). On March 20, 2018, the Court entered an Order stating: “On or before April 19, 2018, Plaintiff shall either submit the \$400.00 filing fee or complete and file the Affidavit of Indigency attached to this Order. Failure to do so may result in a recommendation to the District Judge that this action be dismissed without further notice.” (Doc. 3.)

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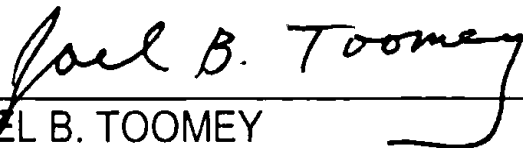
<sup>1</sup> “Within 14 days after being served with a copy of [this Report and Recommendation], a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2). “A party may respond to another party’s objections within 14 days after being 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.

To date, Plaintiff has not paid the filing fee, filed an Affidavit of Indigency, or otherwise responded to the Court's order.<sup>2</sup> Therefore, the undersigned recommends that the case be dismissed without prejudice for lack of prosecution.

Accordingly, it is respectfully **RECOMMENDED** that:

1. The case be **DISMISSED without prejudice**.
2. The Clerk of Court be directed to terminate any pending motions and close the file.

**DONE AND ENTERED** at Jacksonville, Florida, on May 14, 2018.

  
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JOEL B. TOOMEY  
United States Magistrate Judge

Copies to:

The Honorable Marcia Morales Howard  
United States District Judge

Pro Se Plaintiff

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<sup>2</sup> Since filing the Notice, Plaintiff has filed only a unilateral consent to Magistrate Judge jurisdiction, which was stricken. (Docs. 4 & 5.)