UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

REGINALD HAYES,

Plaintiff,

v. Case No: 2:18-cv-341-FtM-38CM

J. DELGADO, CARMELLO BERRIOUS, D. MARTIN, JULIA JONES, FNU JAMES and GEORGE MICHEL,

Defendants.
_____/

OPINION AND ORDER[1]

This matter comes before the Court upon periodic review of the file. Plaintiff, who is confined in the Lee County Jail, initiated this action by filing a *pro se* handwritten pleading. Doc. 1. Plaintiff did not accompany his pleading with the requisite filing fee or motion to proceed as a pauper. On May 16, 2918, the Court liberally construed the handwritten pleading as a civil rights complaint alleging constitutional deprivations in connection with Plaintiff's confinement and directed Plaintiff to submit an amended complaint on the approved prisoner civil rights complaint form and return it to the Court no later than June 6, 2018. Doc. 3. The Court provided Plaintiff with a blank civil rights

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complaint form for his use in complying with the Court's May 16, 2018, Order. *Id.* at 2, ¶2. Plaintiff was cautioned that his failure to comply with the Court's May 16, 2018, Order would result in the dismissal of this action without further notice. *Id.* at ¶3. As of the date on this Order, Plaintiff has not complied with the Court's May 16, 2018, Order or explained his inability to comply, and the time for doing so has expired.

Accordingly, it is now

ORDERED:

1. This case is dismissed without prejudice for Plaintiff's failure to comply with the Court's May 14, 2018, Order**.**
2. The **Clerk of Court** shall terminate any motions and deadlines and close this file.
3. Because this dismissal is without prejudice, Plaintiff may initiate a new civil rights action if he wishes to prosecute his claim by filing the enclosed blank civil rights complaint form accompanied by the requisite $400.00 filing fee or application to proceed as pauper with the Clerk of Court. Plaintiff should not use this case number on his new complaint form. Instead, the Clerk will assign Plaintiff's case a new case number.

DONE and **ORDERED** in Fort Myers, Florida this 11th day of June, 2018.



SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1
Copies: All Parties of Record