

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

EDGAR LEE SMITH,

Plaintiff,

v.

CASE NO. 5:18-cv-123-MCR-GRJ

CENTURION HEALTHCARE, et al.,

Defendants.

_____ /

ORDER AND
REPORT AND RECOMMENDATION

Plaintiff, an inmate in the custody of the Department of Corrections, initiated this case by filing a handwritten civil rights complaint. ECF No. 1. Plaintiff failed to use the required form for prisoner civil rights complaints. Pursuant to Fla. N.D. Local Rule 5.7(A), the Court “need not—and ordinarily will not—consider a . . . complaint that is not filed on the proper form.” Further, Plaintiff failed to either pay the civil case filing fee or file a motion for leave to proceed as a pauper with supporting documentation. The Court ordered Plaintiff to correct these deficiencies on or before June 25, 2018, and warned Plaintiff that failure to comply would result in a recommendation that this case be dismissed without further notice. ECF No. 4.

As of this date, Plaintiff has failed to comply. Instead, Plaintiff filed ECF No. 6, a handwritten pleading entitled “inadequate medical care” that has been docketed as a motion. The pleading does not comply with the Court’s instructions to file an amended complaint on the Court’s form and to either pay the filing fee or file a motion for leave to proceed as a pauper.

Accordingly, it is **ORDERED** that Plaintiff’s “motion”, ECF No. 6, must be **STRICKEN** by the Clerk. It is respectfully **RECOMMENDED** that this case should be **DISMISSED** without prejudice for failure to comply with an order of the Court and failure to prosecute.

IN CHAMBERS this 28th day of June 2018.

s/ Gary R. Jones

GARY R. JONES

United States Magistrate Judge

NOTICE TO THE PARTIES

Objections to these proposed findings and recommendations must be filed within fourteen (14) days after being served a copy thereof. Any different deadline that may appear on the electronic docket is for the court’s internal use only, and does not control. A copy of objections shall be served upon all other parties. If a party fails to object to the magistrate judge's findings or recommendations as to any particular claim or issue contained in a report and recommendation, that party waives the right to challenge on appeal the district court's order based on the unobjected-to factual and legal conclusions. See 11th Cir. Rule 3-1; 28 U.S.C. § 636.