

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

RONALD M. BRYANT,

Plaintiff,

v.

CASE NO. 3:18-cv-599-J-32MCR

WELLS FARGO BANK,

Defendant.

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REPORT AND RECOMMENDATION¹

THIS CAUSE is before the Court on the Court's Order dated June 29, 2018 (Doc. 5).

On May 2, 2018, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs ("Application") and a complaint, which was titled a "Motion." (Docs. 1, 2.) On June 5, 2018, the Court entered an Order taking the Application under advisement and directing Plaintiff to file a notarized Application and a proper complaint no later than June 25, 2018. (Doc. 4.) Construing Plaintiff's complaint liberally, the Court found that it was subject to dismissal for

¹ "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; M.D. Fla. R. 6.02.

failure to state a claim on which relief may be granted. (*Id.* at 3-5.) Nevertheless, Plaintiff was given an opportunity to amend the complaint and to file a notarized Application. (*Id.* at 4-5.) Plaintiff was warned that “[f]ailure to comply with this Order will likely result in a recommendation to the District Judge that the Application be denied and/or that this case be dismissed for failure to state a claim on which relief may be granted and/or want of prosecution.” (*Id.* at 5.)

When Plaintiff did not comply with that Order, on June 29, 2018, the Court entered an Order directing Plaintiff to either file a proper complaint and a notarized Application, or show cause in writing why the undersigned should not recommend to the District Judge that the Application be denied and that the case be dismissed for failure to state a claim on which relief may be granted and/or lack of prosecution, no later than July 20, 2018. (Doc. 5.) Plaintiff was warned that “[f]ailure to comply with this Order will likely result in a recommendation that the [A]pplication be denied and that the case be dismissed without further notice, unless Plaintiff pays the filing fee.” (*Id.* at 2.)

To date, Plaintiff has not filed a proper complaint and a notarized Application as directed by two Court Orders, he has not filed a response to the Order to Show Cause, he has not sought an extension of time to comply with the Court’s Orders, and he has not paid the filing fee. Thus, despite being given an opportunity to cure the deficiencies in his complaint and Application, Plaintiff has failed to do so. Therefore, the undersigned recommends that Plaintiff’s complaint

be dismissed for failure to state a claim on which relief may be granted and lack of prosecution. See 28 U.S.C. § 1915(e)(2)(B)(ii); M.D. Fla. R. 3.10(a).

Accordingly, it is respectfully **RECOMMENDED** that the Application (**Doc. 2**) be **DENIED**, this case be **DISMISSED without prejudice**, and the Clerk of Court be directed to terminate any pending motions and close the file.

DONE AND ENTERED at Jacksonville, Florida, on July 24, 2018.



MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Honorable Timothy J. Corrigan
United States District Judge

Pro Se Plaintiff