

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

JAMES SEKOU WALTON,

Plaintiff,

Case No. 3:18-cv-958-J-34JRK

vs.

FLORIDA DEPARTMENT OF REVENUE,

Defendant.

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REPORT AND RECOMMENDATION¹

This cause is before the Court on the Applications to Proceed in District Court Without Prepaying Fees or Costs (Long Form and Short Form) (Doc. No. 2), filed August 8, 2018, that the Court collectively construes as a Motion to Proceed In Forma Pauperis ("Motion"). Upon review of the file, the undersigned recommends that the case be dismissed for failure to prosecute.

Plaintiff initiated this action pro se on August 8, 2018 by filing a Complaint for a Civil Case Alleging Breach of Contract (Doc. No. 1; "Complaint"). On August 21, 2018, the undersigned entered an Order (Doc. No. 4) taking the Motion under advisement. Observing that the Complaint appears subject to dismissal for failure to state a claim upon which relief may be granted, Plaintiff was directed to file an Amended Complaint by September 21, 2018; alternatively, Plaintiff was directed to pay the filing fee by September 21, 2018. See Order at 1, 5-6.

¹ "Within 14 days after being served with a copy of [a report and recommendation on a dispositive issue], 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.

Plaintiff failed to act by September 21, 2018. Consequently, the undersigned entered an Order to Show Cause (Doc. No. 5) on September 27, 2018, directing Plaintiff to show cause by October 29, 2018 as to why the undersigned should not recommend dismissal of the matter for failure to prosecute. See Order to Show Cause at 2. Plaintiff was also directed to comply with the August 21, 2018 Order by October 29, 2018. Id. Plaintiff was warned that failure to respond by October 29, 2018 may result in a recommendation of dismissal without further notice. Id.

To date, Plaintiff has not responded in any way to the Order to Show Cause, and he has not complied with the August 21, 2018 Order. Accordingly, it is

RECOMMENDED:

1. That this case be **DISMISSED without prejudice** for failure to prosecute pursuant to Rule 3.10(a), Local Rules, United States District Court, Middle District of Florida.
2. That the Clerk of Court be directed to terminate all pending motions and close the file.

RESPECTFULLY RECOMMENDED at Jacksonville, Florida on November 6, 2018.


JAMES R. KLINDT
United States Magistrate Judge

bhc
Copies to:

Honorable Marcia Morales Howard
United States District Judge

Pro se party