

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

B.B.M.,

Plaintiff,

Case No. 3:18-cv-1409-J-34JRK

vs.

LEONARD AUGUSTUS MCGARVEY, III,
Principal Defendant; Sons & daughters of my
husband and his former wife,

Defendant.

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REPORT AND RECOMMENDATION¹

This cause is before the Court sua sponte. Plaintiff initiated this action pro se on November 28, 2018 by filing a Complaint (Doc. No. 1). Plaintiff did not accompany the Complaint with the \$400.00 filing fee or a request to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a)(1). On December 13, 2018, the undersigned entered an Order (Doc. No. 7) directing Plaintiff to either (1) complete and file an Application to Proceed in District Court Without Prepaying Fees or Costs by January 28, 2019; or (2) pay the \$400.00 filing fee by January 28, 2019.

Plaintiff failed to act by January 28, 2019. Consequently, the undersigned entered an Order to Show Cause (Doc. No. 8) on January 29, 2019,² directing Plaintiff to show cause by March 6, 2019 as to why the undersigned should not recommend dismissal of the matter

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.

² The Order was signed on January 29, 2019, but it was docketed on January 30, 2019.

for failure to prosecute. See Order to Show Cause at 1. Plaintiff was also directed to comply with the December 13, 2018 Order by March 6, 2019. Id. at 1-2. Plaintiff was warned that failure to respond by March 6, 2019 may result in a recommendation of dismissal without further notice. Id. at 2.

To date, Plaintiff has not responded in any way to the January 29, 2019 Order to Show Cause, and she has not complied with the December 13, 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 March 13, 2019.


JAMES R. KLINDT
United States Magistrate Judge

bhc
Copies to:

Honorable Marcia Morales Howard
United States District Judge

Pro se party