

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

MARIBEL ROSARIO,

Plaintiff,

v.

Case No: 6:19-cv-410-Orl-40LRH

WATERMARK LLC,

Defendant.

REPORT AND RECOMMENDATION

This cause comes before the Court on periodic review.

On March 4, 2019, the Plaintiff, who is proceeding *pro se*, filed a complaint and Application to Proceed in District Court Without Prepaying Fees or Costs, which the undersigned construed as a motion for leave to proceed *in forma pauperis*. (Docs. 1 (Complaint); 2 (IFP Motion)).

On March 6, 2019, the undersigned entered an order denying the IFP Motion and dismissing the Complaint because it failed to comply with the pleading requirements of Federal Rule of Civil Procedure 8. (Doc. 3 (Order)). The undersigned granted the Plaintiff leave to file an amended complaint and either pay the full filing fee or file a renewed motion to proceed *in forma pauperis* on or before March 27, 2019. (*Id.* at 5-6). In addition, the undersigned cautioned the Plaintiff that the “[f]ailure to file an amended complaint and to renew the motion to proceed *in forma pauperis* or pay the full filing fee in the time provided may result in dismissal of the case without further warning[.]” (*Id.* at 6).

According to the docket, on March 7, 2019, the Clerk of Court mailed the Order to the Plaintiff. On March 15, 2019, the Clerk of Court received notice that the Order was returned as undeliverable and that the Post Office was unable to forward to a new address. *See Shaw v.*

Daytona Cmty. Coll., Case No. 6:18-cv-1041-Orl-37DCI, Doc. 25 at 2 (M.D. Fla. Jan. 30, 2019) (“Plaintiff is responsible for providing the Court (and Defendants) with a mailing address at which Plaintiff can receive all the papers filed in this case. Further, Plaintiff’s *pro se* status does not relieve him of this responsibility.”).

The Plaintiff has failed to file an amended complaint and either pay the full filing fee or file a renewed motion to proceed *in forma pauperis* within the time provided in the Order. The Plaintiff has also failed to provide the Court with a current mailing address for the receipt of papers filed in this case. Therefore, the undersigned recommends that the case be dismissed without prejudice for failure to prosecute. Fed. R. Civ. P. 41(b).

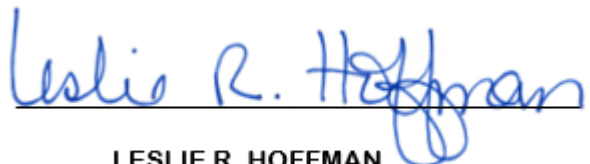
Accordingly, it is **RECOMMENDED** that:

1. The case be **DISMISSED without prejudice** for failure to prosecute.
2. The Clerk be directed to close the case.

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation’s factual findings and legal conclusions. A party’s failure to file written objections waives that party’s right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1.

Recommended in Orlando, Florida on April 1, 2019.



**LESLIE R. HOFFMAN
UNITED STATES MAGISTRATE JUDGE**

Copies furnished to:

Presiding District Judge

Counsel of Record

Unrepresented Party

Courtroom Deputy