

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

BRYAN A. HARRISON,

Plaintiff,

v.

CASE NO. 3:20-cv-311-J-34MCR

COUNTY OF ST. JOHNS; and
ST. JOHN'S COUNTY SHERIFF
OFFICER KENNETH EVERETT,

Defendants.

_____ /

REPORT AND RECOMMENDATION¹

THIS CAUSE is before the Court on the Court's Order dated April 21, 2020 (Doc. 4).

On March 26, 2020, Plaintiff filed his Complaint to Recover Damages for Deprivation of Civil Rights ("Complaint") and Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) ("Application"). (Docs. 1 & 2.) On April 21, 2020, the Court entered an Order, taking the Application under advisement and directing Plaintiff to file a complete, notarized Application and an

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.

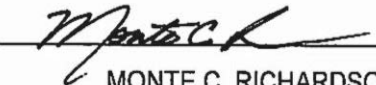
amended complaint no later than May 8, 2020. (Doc. 4.)

To date, Plaintiff has not filed a complete, notarized Application and an amended complaint as directed by the Court's April 21, 2020 Order, has not sought an extension of time to do so, and has not paid the filing fee. Instead, on May 4, 2020, Plaintiff filed a Motion to Stay Proceedings ("Motion to Stay"), asking the Court "to stay all proceedings in this case pending the submission of notice and resolution of the procedural requirements required under s.768-28 F.S." (Doc. 5 at 1.)

When a plaintiff seeks *in forma pauperis* status but fails to comply with a Court Order, the Court typically gives the plaintiff an opportunity to show cause why the Application should not be denied and the case dismissed for lack of prosecution. However, here, Plaintiff filed his Motion to Stay after the Court's April 21, 2020 Order, his Motion to Stay acknowledges that he was directed to file documents by May 8, 2020, and despite having ample opportunity to file those documents or pay the filing fee, Plaintiff has failed to do so. Therefore, under the circumstances here, the undersigned recommends that the Application be denied, and the case dismissed without prejudice for failure to comply with the Court's April 21, 2020 Order.

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 June 3, 2020.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Marcia Morales Howard
United States District Judge

Pro Se Party