

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

TIFFANY L. SHELLY,

Plaintiff,

v.

Case No: 8:22-cv-1930-CEH-TGW

FLORIDA BAR, DSK LAW FIRM,
PAUL F. DALEY, SOCIAL
SECURITY ADMINISTRATION,
FLORIDA DEPARTMENT OF
REVENUE, UNITED STATES
POSTAL SERVICE, BLACKBURN
ELEMENTARY SCHOOL,
TILLMAN ELEMENTARY
SCHOOL, BRADENTON POLICE
DEPARTMENT, MANATEE
COUNTY CLERK OF CIRCUIT
COURT, SAFE CHILDREN
COALITION and DEPARTMENT OF
CORRECTIONS,

Defendants.

ORDER

This matter is before the Court on review of the file. In August 2022, Plaintiff Tiffany L. Shelly filed this action, proceeding *pro se*, against a number of defendants under 42 U.S.C. § 1983. *See* Doc. 1. Plaintiff claimed that her “right to choose constitution” had been violated. *Id.* at 3. She also filed a motion to proceed *in forma pauperis*. Doc. 2. On October 4, 2022, Magistrate Judge Thomas G. Wilson entered a report and recommendation (“R&R”) recommending that Plaintiff’s complaint be dismissed, with leave to file an amended complaint, based on her failure to state a

claim. Doc. 6 at 1. He recommended that consideration of her application to proceed *in forma pauperis* be deferred pending the filing of an amended complaint. *Id.*

Plaintiff did not file an objection to the R&R, and on October 24, 2022, the Court adopted, confirmed, and approved it in all respects. *See* Doc. 7. Plaintiff's Complaint was dismissed without prejudice, and she was granted leave to file an amended complaint within fourteen days of the Court's Order. *Id.* at 2. The Court deferred ruling on Plaintiff's motion to proceed *in forma pauperis* until she had filed an amended complaint. *Id.* The Court indicated that failure to file an amended complaint within the time provided would result in the matter being dismissed without further notice. *Id.*

Several months later, Magistrate Judge Wilson denied Plaintiff's Motion to Proceed *in forma pauperis* because she had not filed an amended complaint. Doc. 8. Because Plaintiff failed to file an amended complaint, this action is due to be dismissed without prejudice.

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss this action or any claim against it." Fed. R. Civ. P. 41(b). The Eleventh Circuit has recognized that a district court may dismiss an action *sua sponte* for the

plaintiff's failure to prosecute her case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337.

The Court directed Plaintiff to file an amended complaint by November 7, 2022. Plaintiff failed to comply with the Court's order. The time to file an amended complaint has long since passed, and Plaintiff has neither filed an amended pleading, nor requested an extension of time to do so.

Accordingly, it is **ORDERED**:

1. This action is **DISMISSED**, without prejudice.
2. The Clerk is directed to terminate all pending deadlines and to **CLOSE** this case.

DONE and **ORDERED** in Tampa, Florida on November 16, 2023.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties