

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TOMMY D. LAY, II,

Plaintiff,

v.

Case No.: 2:23-cv-584-JLB-KCD

STORM SMART BUILDING
SYSTEMS, INC., THE SMART
COMPANIES INC., STORM SMART
INDUSTRIES INC., and STORM
SMART INC.,


Defendants.

_____ /

ORDER

On July 19, 2024, the Court granted Defendants' motion to dismiss and gave Plaintiff leave to amend his complaint within fourteen (14) days. (Doc. 51). The fourteen (14) day period elapsed on August 2, 2024. Plaintiff did not file an amended complaint. Out of an abundance of caution, the Court issued a show cause order on September 6, 2024, directing Plaintiff to show cause as to why this case should not be dismissed for lack of prosecution and failure to comply with Court orders. (Doc. 52). Plaintiff did not respond. Local Rule 3.10 provides that "[a] plaintiff's failure to prosecute diligently can result in dismissal if the plaintiff in response to an order to show cause fails to demonstrate due diligence and just cause for delay." M.D. Fla. Local Rule 3.10. Accordingly, this case is **DISMISSED without prejudice**. The Clerk is **DIRECTED** to deny any pending motions as moot, terminate any deadlines, and close this case.

DONE and **ORDERED** in Fort Myers, Florida on October 1, 2024.



JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE