

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

WILLIAM KING BROOKINS, IV,

Plaintiff,

v.

CASE NO. 3:23-cv-896-MMH-MCR

FLORIDA DEPARTMENT  
OF REVENUE, et al.,

Defendants.

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**REPORT AND RECOMMENDATION**<sup>1</sup>

**THIS CAUSE** is before the Court on the Court's September 13, 2023

Order (Doc. 4).

On July 31, 2023, Plaintiff filed his Complaint and unnotarized Application to Proceed in District Court Without Prepaying Fees or Costs ("Application"). (Docs. 1 & 2.) On August 16, 2023, the undersigned entered an order denying without prejudice Plaintiff's Application directing the Plaintiff to file an amended complaint and a complete, notarized application

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<sup>1</sup> "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.

or pay the filing fee on or before September 6, 2023. (Doc. 3.) Plaintiff was warned that: “Failure to comply with [the] Order may result in a recommendation to the District Judge that this action be dismissed without prejudice and without further notice for failure to state a claim on which relief may be granted and/or lack of prosecution.” (*Id.* at 13-14 (emphasis omitted).) The Order was mailed to Plaintiff on or before August 17, 2023.

When Plaintiff failed to comply with the Court’s Order, on September 13, 2023, the undersigned entered an Order, directing Plaintiff to show cause in writing, on or before September 29, 2023, why this action should not be dismissed without prejudice for failure to comply with the Court’s Order, failure to state a claim on which relief may be granted, and/or want of prosecution under Local Rule 3.10. (Doc. 4.) Plaintiff was warned that: “Failure to respond to [the] Order by the deadline will likely result in the dismissal of this action without further notice.” (*Id.* at 2.) The Court’s September, 13 2023 Order was mailed to Plaintiff on or before September 14, 2023.

To date, Plaintiff has not complied with the Court’s Orders (Docs. 3 & 4), and has not sought an extension of time to comply. Specifically, Plaintiff has not responded to the Court’s Orders, has not amended the Complaint, has not filed an amended application, and has not paid the filing fee. Based on the foregoing, the undersigned recommends that this action be dismissed

for lack of prosecution. *See* M.D. Fla. R. 3.10.

Accordingly, it is **RECOMMENDED** that 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 October 17, 2023.

  
MONTE C. RICHARDSON  
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Marcia M. Howard  
U.S. District Judge

*Pro Se* Party