

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

STEVEN L. WALKER,

Plaintiff,

v.

CASE NO. 3:23-cv-1003-MMH-MCR

PEDRO GORBEA,

Defendant.

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REPORT AND RECOMMENDATION¹

On August 28, 2023, the Court entered an Order directing Plaintiff to either submit the \$402.00 filing fee or complete and file a long-form affidavit of indigency no later than September 12, 2023. (Doc. 2.) The Order provided that failure to comply could “result in a recommendation that this action be dismissed without further notice.” (*Id.* at 1.) The Order was mailed to Plaintiff on or before August 29, 2023.

When Plaintiff failed to comply with the Court’s August 28, 2023 Order,

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.

the Court entered an Order on October 5, 2023, directing Plaintiff to show cause in writing, on or before October 19, 2023, why this action should not be dismissed without prejudice for failure to comply with the Court's earlier Order and/or want of prosecution under Local Rule 3.10. (Doc. 3.) The Order provided that failure to respond by the deadline would "likely result in the dismissal of this action without further notice." (*Id.* at 2.) The Order was mailed to Plaintiff on or before October 6, 2023.

To date, Plaintiff has not responded to the Court's Orders, has not paid the filing fee, has not filed a long-form affidavit of indigency requesting to proceed *in forma pauperis*, and has not sought an extension of time to do so. Therefore, it is appropriate to dismiss this action without prejudice for lack of prosecution. See M.D. Fla. R. 3.10.

Accordingly, it is respectfully **RECOMMENDED** that this action 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 November 15, 2023.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Marcia Morales Howard
United States District Judge

Pro Se Plaintiff