

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

WILLIAM KING BROOKINS, IV,

Plaintiff,

v.

CASE NO. 3:23-cv-1078-MMH-MCR

LAWRENCE P. STEVENSON, et al.,

Defendants.

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REPORT AND RECOMMENDATION¹

THIS CAUSE is before the Court on the Court's December 8, 2023 Order (Doc. 4).

On September 13, 2023, Plaintiff filed his Complaint and unnotarized Application to Proceed in District Court Without Prepaying Fees or Costs ("Application"). (Docs. 1 & 2.) On November 9, 2023, the undersigned entered an order denying without prejudice Plaintiff's Application and directing the Plaintiff to file an amended complaint and a complete, notarized

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.

application or pay the filing fee on or before November 30, 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 14 (emphasis omitted).) The Order was mailed to Plaintiff on or before November 13, 2023.

When Plaintiff failed to comply with the Court’s Order, on December 8, 2023, the undersigned entered an Order, directing Plaintiff to show cause in writing, on or before December 22, 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 December 8, 2023 Order was mailed to Plaintiff on or before December 11, 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 January 5, 2024.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

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

Pro Se Party