

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

JOHN KIRK MATTHEWS,

Plaintiff,

v.

Case No. 8:23-cv-2277-WFJ-TGW

QUICK FREELANCERS and
JAMIE BAXTER,

Defendant.

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ORDER

This cause comes before the Court on Plaintiff's applications to proceed *in forma pauperis* (Dkts. 18, 19) and the amended complaint (Dkt. 17). The United States Magistrate Judge issued a report recommending that the motions be denied without prejudice and that the amended complaint be dismissed with one last opportunity to file a second amended complaint on the claim of retaliation. Dkts. 23, 24. The time for filing objections has passed.

The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The magistrate judge found that the amended complaint (Dkt. 17) does not rectify the deficient hostile work environment claim as the necessary severity and protected class membership has not been alleged. Dkts. 23 at 3–5; 24 at 3–5. As to retaliation, however, Plaintiff will be permitted one more chance to allege

sufficient facts to show a causal connection between the adverse action and the protected activity. Dkts. 23 at 5–6; 24 at 5–6. The amended complaint also fails to comply with the pleading requirements of Federal Rules of Civil Procedure 10(b) as explained. Dkts. 23 at 6; 24 at 6. After conducting an independent examination of the file, the Court agrees with the well-reasoned Report and Recommendations and rules as follows:

1. The Report and Recommendations (Dkts. 23, 24) are adopted, confirmed, and approved in all respects and made a part of this order.

2. Plaintiff’s motions to proceed *in forma pauperis* (Dkts. 18, 19) are denied without prejudice.

3. Plaintiff’s amended complaint (Dkt. 17) is dismissed with prejudice as to the claim for hostile work environment and without prejudice as to the claim for retaliation. If Plaintiff wishes to proceed, he must file a second amended complaint only as to the retaliation claim and a motion to proceed *in forma pauperis* in accordance with the Report and Recommendations within thirty (30) days. If a second amended complaint is not timely filed, this case will be dismissed and closed without further notice.

4. Plaintiff filed a notice of change of address in July 2024. Dkt. 22. The last orders sent to this address in December 2024 were returned as undeliverable. It is Plaintiff’s responsibility to file a change of address to reflect his correct

address and also to check the docket for activity. If Plaintiff does not file a corrected notice of change of address within the time to file a second amended complaint, this case will be dismissed and closed without further notice.

DONE AND ORDERED at Tampa, Florida, on January 8, 2025.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:

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