

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

TITIANA A KINCADE,

Plaintiff,

v.

Case No: 6:24-cv-24-PGB-DCI

MACY'S INC.,

Defendant.

_____ /

ORDER

This cause comes before the Court upon *sua sponte* review of the file. On January 23, 2024, the Court entered an Order adopting Magistrate Judge Daniel C. Irick's Report which recommended the Complaint be dismissed without prejudice for failing to state a claim upon which relief may be granted. (Doc. 7; *see* Doc. 5). Therein, the Court dismissed the Complaint (Doc. 1) without prejudice and provided Plaintiff until on or before February 6, 2024 to "file an amended complaint in compliance with this Order and all applicable rules and law." (Doc. 7). The Court advised Plaintiff that "[f]ailure to timely comply with this Order and file an amended complaint will result in the dismissal of this action without further notice." (*Id.*).

On January 26, 2024, Plaintiff filed a document labeled "Amended Complaint." (Doc. 8). However, the filing does not comply with the Court's Orders and all applicable rules and law. *See, e.g.,* FED. R. CIV. P. 8; *Ashcroft v. Iqbal*, 556

U.S. 662, 678 (2009). Plaintiff still fails to explain which provisions of the Civil Rights Act of 1964 were allegedly violated or how certain allegations demonstrate such a violation, and in general, fails to state a claim upon which relief may be granted. (See Docs. 5, 7, 8). Although it is true *pro se* pleadings are liberally construed, courts are simply not required to “act as de facto counsel or rewrite an otherwise deficient pleading to sustain an action.” *Bilal v. Geo Care, LLC*, 981 F.3d 903, 911 (11th Cir. 2020).

Accordingly, it is **ORDERED** that:

1. The Amended Complaint (Doc. 8) is **DISMISSED WITHOUT PREJUDICE**.
2. The Clerk of Court is **DIRECTED** to close the file.

DONE AND ORDERED in Orlando, Florida on February 7, 2024.


PAUL G. BYRON
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties