

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

RUSS TILLEMAN,

Plaintiff,

v.

CASE NO. 3:24-cv-65-WWB-MCR

UNITED STATES OF AMERICA,

Defendant.

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

**THIS CAUSE** is before the Court on the Court's January 22, 2024 Order (Doc. 5).

On January 17, 2024, Plaintiff filed his Complaint for a Civil Case ("Complaint") against the United States of America and an incomplete, unsigned, and unnotarized Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) ("Application"), seeking leave to proceed without prepaying fees or costs. (Docs. 1 & 2.) On January 22,

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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.

2024, the undersigned entered an Order, denying without prejudice Plaintiff's Application and directing Plaintiff to file an amended complaint and a complete, signed, dated, and notarized application or pay the filing fee on or before February 12, 2024. (Doc. 5.) 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 further notice for lack of jurisdiction, failure to state a claim on which relief may be granted, and/or want of prosecution." (*Id.* at 8-9 (emphasis omitted).) The Order was mailed to Plaintiff on or before January 23, 2024.


On January 23, 2024, Plaintiff filed his "Amended Complaint – Part I." (Doc. 7.) However, the Amended Complaint does not comply with the directives of the Court's January 22, 2024 Order. (*See id.* at 6-7 ("If Plaintiff determines he wishes to proceed with this action, he must file an amended complaint with sufficient factual allegations to allow the Court to determine whether it has jurisdiction and whether Plaintiff has stated a claim upon which relief may be granted. Specifically, the amended complaint must contain 'a short and plain statement of the grounds for the court's jurisdiction,' 'a short and plain statement of the claim showing that the pleader is entitled to relief,' and 'a demand for the relief sought, which may include relief in the alternative or different types of relief.' 'Each allegation must be simple, concise, and direct,' and every essential element of each

claim Plaintiff asserts must be directly or indirectly pleaded to show the Court that Plaintiff is entitled to ‘a recovery under some viable legal theory.’ Each claim ‘must include a concise statement identifying the remedies and the parties against whom relief is sought.’ Further, each claim should be in numbered paragraphs, each limited as far as practicable to a single set of circumstances.”) (internal citations omitted).)

The Amended Complaint does not contain a short and plain statement of the grounds for the Court’s jurisdiction, a short and plain statement of the claim showing that Plaintiff is entitled to relief, and a demand for the relief sought. In addition, to date, Plaintiff has not filed an amended application or paid the filing fee. Therefore, Plaintiff has failed to comply with the Court’s January 22, 2024 Order. Based on the foregoing, the undersigned recommends that this action be dismissed for failure to comply with the Court’s Order, failure to state a claim on which relief may be granted, and/or lack of jurisdiction.

Accordingly, it is **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 February 22,  
2024.

  
MONTE C. RICHARDSON  
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Wendy W. Berger  
United States District Judge

*Pro Se* Party