

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JEFFREY SANTIAGO,

Plaintiff,

v.

CASE NO. 3:24-cv-91-MMH-MCR

COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

Defendant.

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REPORT AND RECOMMENDATION¹

On January 29, 2024, the Court entered an Order directing Plaintiff to file a notarized Application to Proceed in District Court without Prepaying Fees or Costs (“Application”) no later than February 9, 2024. (Doc. 8.)

When Plaintiff failed to comply with the Court’s Order, on February 21, 2024, the Court entered an Order directing Plaintiff to show cause in writing, on or before March 1, 2024, why this action should not be dismissed without prejudice for failure to comply with the Court’s previous Order and/or want of

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.

prosecution under Local Rule 3.10. (Doc. 9.) The Order also provided that failure to respond to the Court's February 21, 2024 Order by the deadline would likely result in the dismissal of this action without further notice unless Plaintiff pays the filing fee. (*Id.*)

To date, Plaintiff has not responded to the Court's Orders, has not paid the filing fee, has not filed a proper application, 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 March 4, 2024.


MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

The Hon. Marcia Morales Howard
United States District Judge

Counsel of Record