

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

ANA M. MORALES-WAGNER,

Plaintiff,

v.

Case No.: 3:24-cv-106-WWB-SJH

CITY OF JACKSONVILLE, FLORIDA,

Defendant.

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**ORDER**

THIS CAUSE is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs ("**Motion to Proceed**," Doc. 2). United States Magistrate Judge Joel B. Toomey issued a Report and Recommendation (Doc. 11), in which he recommends that the Motion to Proceed be denied as moot and this case be dismissed without prejudice.

After an independent de novo review of the record, and noting that no objections were timely filed, this Court agrees entirely with the findings of fact and conclusions of law in the Report and Recommendation.

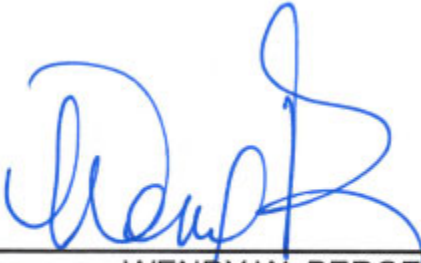
Also before the Court is Plaintiff's Notice (Doc. 13), which the Court construes as a motion for leave to amend. Therein, Plaintiff states that she is seeking permission to amend her pleading, but she fails to otherwise state a legal or factual basis for amendment. Additionally, Plaintiff fails to "set forth the substance of the proposed amendment or attach a copy of the proposed amendment." *Wiand v. ATC Brokers Ltd.*, 96 F.4th 1303, 1312 (11th Cir. 2024) (quotation omitted). Thus, the Court cannot assess the merits of Plaintiff's request for amendment. The Court also notes that Plaintiff has

been given several opportunities to correct the deficiencies in her pleadings in this case and has failed to do so. (See Doc. Nos. 7, 9, 10); see also *Bryant v. Dupree*, 252 F.3d 1161, 1163 (11th Cir. 2001) (“A district court need not, however, allow an amendment . . . where there has been . . . repeated failure to cure deficiencies by amendments previously allowed.”); *Makele v. Early*, No. 22-13613, 2023 WL 7130938, at \*3 (11th Cir. Oct. 30, 2023); *Hesed-El v. Aldridge Pite, LLP*, No. 20-14782, 2021 WL 5504969, at \*6–7 (11th Cir. Nov. 24, 2021). Accordingly, Plaintiff’s request will be denied.

Therefore, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 11) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff’s Motion to Proceed (Doc. 2) is **DENIED as moot**.
3. Plaintiff’s Notice (Doc. 13) is **DENIED**.
4. This case is **DISMISSED without prejudice**.
5. The Clerk is directed to terminate all other pending motions and close this case.

**DONE AND ORDERED** in Jacksonville, Florida on December 2, 2024.



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WENDY W. BERGER  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party