

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KENDRICK TYRON PERRY, SR.,
Estate,

Plaintiff,

v.

Case No.: 2:24-cv-228-JLB-KCD

OAK VIEW GROUP, TIM
LEIWEKE, FRANCESCA BODIE,
ADE PATTON, ANN JACKSON,
CHRISTINA SONG, STEVE
COLLINS, CHRIS GRANGER,
JESSICA KORAVOS, DAN
GRIFFIS, JAY VOELKER, GREG
O'DELL, KRISTINA HENEY,
RANDI BERNSTEIN, KEEGAN
MCDONALD and IRVING AZOFF,

Defendants.

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REPORT & RECOMMENDATION

Kendrick Tyron Perry, Sr. sues Defendants for breaches of privacy and trust stemming from a data breach in 2023. (Doc. 1.)¹ Perry moved to proceed *in forma pauperis*, but his motion was denied because “the form he submitted does not provide enough information to assess whether he is eligible” for such

¹ Unless otherwise indicated, all internal quotation marks, citations, and alterations have been omitted in this and later citations.

relief. (Doc. 3 at 1.) Perry was directed to “complete and file a more detailed IFP application” or pay the filing fee by May 5, 2024. (*Id.* at 2.)

Perry did not respond to the Court’s order. So, to be safe, the Court offered Perry another chance to comply, extending the deadline to May 15, 2024. (Doc. 6.) The Court warned Perry it would recommend his case be dismissed if he did not comply. (*Id.*) Again, Perry did not respond.

Ignoring the Court’s order is grounds for dismissal. “A plaintiff’s failure to prosecute diligently can result in dismissal if the plaintiff in response to an order to show cause fails to demonstrate due diligence and just cause for delay.” M.D. Fla. R. 3.10. Similarly, the Court has the “inherent power” to dismiss a case for lack of prosecution under its authority to manage its docket. *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962).

Perry has not diligently prosecuted this case. He ignored the Court’s order and refuses to file an amended IFP application or pay the filing fee. These actions show a lack of interest. Thus, the Court should dismiss this matter without prejudice.

It is thus **RECOMMENDED** that Plaintiff’s complaint be dismissed without prejudice for lack of prosecution.

ENTERED in Fort Myers, Florida on May 22, 2024.



Kyle C. Dudek
United States Magistrate Judge

NOTICE TO PARTIES

A party has fourteen days from this date to file written objections to the Report and Recommendation's factual findings and legal conclusions. A party's failure to file written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal conclusion the district judge adopts from the Report and Recommendation. *See* 11th Cir. R. 3-1. To expedite resolution, parties may file a joint notice waiving the 14-day objection period.