

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

SONNY AUSTIN RAMDEO,

Plaintiff,

v.

Case No. 5:24-cv-359-MMH-PRL

XAVIER BECERRA—Secretary of Health and Human Services, in his official capacity, and CHRISTI A. GRIMM, Inspector General—Health and Human Services, in her official capacity,

Defendants.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (Doc. 20) entered by the Honorable Philip R. Lammens on September 6, 2024. In the Report, the Magistrate Judge recommends that the Court deny Plaintiff's motion to proceed in forma pauperis (Doc. 2) and dismiss the Third Amended Complaint for Declaratory and Injunctive Relief (Doc. 18). On September 9, 2024, Plaintiff filed, without leave of Court, a Fourth Amended Complaint for Declaratory and Injunctive Relief (Doc. 22). Simultaneously with the Fourth Amended Complaint, Plaintiff submitted objections to the Report. See Plaintiff's Objections to the Magistrate [Judge's] Report and Recommendation

(Doc. 23; Objections).¹ Upon review, the Court notes that Plaintiff's Objections are largely premised on his contention that in filing the Fourth Amended Complaint he has remedied the pleading deficiencies identified by the Magistrate Judge in the Report. See Objections at 1. Given the changed posture of the case, the Court finds it appropriate to recommit the matter to the Magistrate Judge for the issuance of an updated Report based on the Fourth Amended Complaint and the new arguments raised in the Objections.²

In doing so, however, the Court cautions Plaintiff that any future amended complaints will be stricken unless Plaintiff first obtains authorization from the Court to amend. Indeed, the Federal Rules of Civil Procedure (Rule(s)) permit Plaintiff to amend his complaint only once as a matter of course. See Rule 15(a)(1). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave." See Rule 15(a)(2). Because Plaintiff did not seek or obtain leave of Court to file the Second, Third, and Fourth Amended Complaints, these pleadings were due to be stricken as impermissible filings. Nevertheless, given Plaintiff's pro se

¹ The Court notes that both the Fourth Amended Complaint and the Objections fail to comply with the typography requirements set forth in the Local Rules of the United States District Court Middle District of Florida (Local Rule(s)). See Local Rule 1.08(a)-(b). Plaintiff is cautioned that any future filings which do not comply with this or any other Local Rule may be stricken.

² As explained in the Court's August 29, 2024 Order, Plaintiff's Second Motion for Preliminary Injunction (Doc. 19), which is premised on the Third Amended Complaint, will be denied as moot due to the filing of the Fourth Amended Complaint. See Order (Doc. 17), entered August 29, 2024.

status and the posture of the case, the Court has thus far exercised its discretion to allow the amendments. But going forward, the Court will promptly strike any future amended complaints unless Plaintiff first obtains leave of Court through the filing of a proper motion.

Last, the Court takes this opportunity to advise Plaintiff that in 1990, the United States Congress intentionally, and after much consideration, changed the title of each United States magistrate to “United States magistrate judge.” See Judicial Improvements Act of 1990, Pub. L. No. 101-650, § 321 (1990) (“After the enactment of this Act, each United States magistrate appointed under § 636 of Title 28 United States Code, shall be known as a United States magistrate judge...”); see also Ruth Dapper, A Judge by Any Other Name? Mistitling of United States Magistrate Judges, 9 Fed. Cts. L. Rev. 1, 5 (Fall 2015). As such, in future filings in this or any other court, Plaintiff should refer to a magistrate judge properly as “Judge _____” or the “Magistrate Judge.” See Koutrakos v. Astrue, 906 F. Supp. 2d 30, 31 n.1 (D. Conn. 2012) (pointing out the proper way to refer to a United States magistrate judge).

Accordingly, it is


ORDERED:

1. The Report and Recommendation (Doc. 20) is **terminated** and Plaintiff’s motion to proceed in forma pauperis (Doc. 2) is

recommitted to the Magistrate Judge for review in light of the Fourth Amended Complaint.

2. Plaintiff's Second Motion for Preliminary Injunction (Doc. 19) is **DENIED WITHOUT PREJUDICE AS MOOT.**

DONE AND ORDERED in Chambers this 10th day of September, 2024.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record
Pro Se Parties