

United States District Court  
Middle District of Florida  
Jacksonville Division

**SHADEE JEAN,**

**Plaintiff,**

**v.**

**No. 3:24-cv-00511-MMH-LLL**

**AO PROPCO LLC 1 AND  
RENU PROPERTY MANAGEMENT LLC,**

**Defendants.**

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**Report and Recommendation**

This cause is before the Court sua sponte. Plaintiff initiated this action by filing a complaint on May 20, 2024, doc. 1. On the same date, plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form), doc. 2, which the Court construed as a motion to proceed in forma pauperis. On July 29, 2024, the Court entered an Order, doc. 3, denying without prejudice plaintiff's motion, doc. 2. The Court ordered plaintiff on or before August 20, 2024, to "either submit an amended complaint that sets forth the factual bases for her claims and submit a renewed application to proceed without prepayment of fees or costs; or pay the filing fee." Doc. 3 at 8. The Court cautioned plaintiff that failure to do so "may result in a

recommendation that the action be dismissed.” *Id.* Plaintiff failed to respond to the Order.<sup>1</sup>

As a result, the Court entered an Order to Show Cause on August 28, 2024. Doc. 5. In it, the Court ordered plaintiff, on or before September 4, 2024, to either “(1) submit an amended complaint, correcting the deficiencies identified in the Court’s Order, doc. 3, and submit a renewed application to proceed without prepayment of fees or costs; or (2) pay the appropriate filing fee.” Doc 5 at 2. Additionally, the plaintiff was ordered to show cause in writing why she failed to comply with this Court’s previous Order. *Id.* Plaintiff was also warned that “failure to comply with this Order will likely result in a recommendation that plaintiff’s case be dismissed without further notice.” *Id.* To date, plaintiff has not responded to the Order to Show Cause.

Local Rule 3.10 provides that “if [a] plaintiff fails to demonstrate due diligence and just cause for delay” when responding to an order to show cause, “[a] plaintiff’s failure to prosecute diligently can result in dismissal. Middle District of Florida Local Rules. I find that plaintiff has failed to demonstrate due diligence and just cause for delay in response to the Court’s July 29, 2024, Order, doc. 3, as well as the subsequent Order to Show Cause, doc. 5.

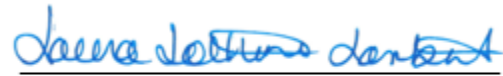
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<sup>1</sup> Both Orders, docs. 3, 5, were served by mailing copies to plaintiff’s last known address however, both copies have been returned marked as “Return to Sender.” Docs. 4, 6. Since initiating this case, plaintiff has neither filed a change of address nor otherwise provided the Court with an updated address.

I respectfully **recommend**:

1. This case be **dismissed without prejudice** for failure to prosecute under Rule 3.10, Local Rules, United States District Court, Middle District of Florida; and
2. the Clerk be directed to terminate all pending motions and **close the file**.

**Entered** in Jacksonville, Florida, on September 17, 2024.



LAURA LOTHMAN LAMBERT  
United States Magistrate Judge

c:

The Honorable Marcia Morales Howard, United States District Judge  
Shadee Jean, pro se plaintiff  
1993 Franklin St.  
Jacksonville, FL 32206

#### **Notice**

“Within 14 days after being served with a copy of [a report and recommendation on a dispositive issue], 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; Order (Doc. No. 3), No. 8:20-mc-100-SDM, entered October 29, 2020, at 6.