

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

**DAVID BRYAN and KIERRA
THOMAS,**

Plaintiffs,

v.

Case No: 6:24-cv-641-PGB-DCI

CITY OF ORLANDO,

Defendant.

ORDER

David Bryan (“Bryan”) and Kierra Thomas (“Thomas”) (collectively “Plaintiffs”), proceeding *pro se*, initiated this case by filing a civil rights complaint pursuant to 42 U.S.C. § 1983. Doc. 1 (the Complaint). Plaintiffs also filed an Application to Proceed in District Court without Prepayment of Fees or Costs, which was construed as a Motion for Leave to Proceed *In forma Pauperis*. Doc. 2 (Plaintiffs’ Initial Motion). On April 15, 2024, the undersigned entered a report recommending that the Complaint be dismissed without prejudice and Plaintiffs be directed to file an Amended Complaint signed by each Plaintiff. Doc. 6 at 3. *Id.* The undersigned also recommended that the Court deny without prejudice Plaintiffs’ Initial Motion because only Plaintiff Bryan signed the request, and one plaintiff cannot move to proceed as a pauper on behalf of both plaintiffs.¹ *Id.* Finally, the undersigned recommended that Plaintiffs be directed to either provide an address or file a notice certifying that they will each regularly check the status of the case. *Id.*

¹ The undersigned also found that it was not clear whose financial information was included in Plaintiffs’ Initial Motion. Doc. 6 at 3.

The Report and Recommendation is still pending but in the interim Plaintiffs filed an Amended Complaint (Doc. 4), which is signed by both Plaintiffs, and separate Motions for Leave to Proceed *In Forma Pauperis*. Docs. 7, 8 (the Plaintiffs' Second Motions). Plaintiffs have also provided an address within the Amended Complaint (Doc. 4 at 8), although it appears that the address may be incorrect.² As such, Plaintiffs have addressed, or at least attempted to address, all the deficiencies the undersigned identified in the Report and Recommendation. *See* Doc. 6. Further, the Court has reviewed Plaintiffs' Second Motions and has determined that both Plaintiffs are paupers and entitled to proceed with the Amended Complaint without payment of a filing fee.

Based on the foregoing, it is **ORDERED** that:

1. Plaintiffs' Second Motions (Docs. 7, 8) are **GRANTED**;
2. The Clerk shall mail summons(es) and Marshal 285 form(s) to Plaintiffs. Plaintiffs shall complete and return the summons(es) and Marshal 285 form(s) to the Court on or before the fifteenth day after the date the Clerk mails the summons(es) and Marshal 285 form(s). The Clerk is directed to provide the completed summons(es) and Marshal 285 form(s) to the United States Marshal. Upon receipt of the completed summons(es) and Marshal 285 form(s), **the United States Marshal is directed to serve the summonses without cost to Plaintiffs**;
3. Plaintiffs' Initial Motion (Doc. 2) is **DENIED as moot**;
4. The undersigned's Report and Recommendation (Doc. 6) is **VACATED**; and
5. **On or before May 3, 2024**, Plaintiffs shall either ensure that they can receive mail at the address provided, provide an updated address at which they can receive mail, or

² The Clerk sent mail related to this case to the address provided by Plaintiff, but that mail was returned to the Court as undeliverable. Doc. 9.

provide an email address at which each of them can receive electronic notifications. Plaintiffs may also file a notice certifying that they each will regularly check the status of the case with the Clerk's Office or online, though the rules governing this Court require Plaintiff to provide an address at which they can receive service of documents. The failure to comply with this Order within the allotted time may result in the dismissal of this case without further notice.

Plaintiffs are reminded that the deadlines set forth in the rules and orders of this Court will control their obligations in this case.

ORDERED in Orlando, Florida on April 22, 2024.



DANIEL C. IRICK
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties