

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

OTIS BLAXTON,

Plaintiff,

v.

Case No: 8:24-cv-1973-MSS-AAS

HILLSBOROUGH COUNTY,

Defendant.

ORDER

THIS CAUSE comes before the Court upon consideration of Plaintiff's Second Amended Complaint and Plaintiff's failure to pay the filing fee, which the Court construes as a motion to proceed *in forma pauperis*.

Plaintiff's Second Amended Complaint fails to state a cause of action for the same reasons the Court previously found the Complaint and the First Amended Complaint deficient. (Dkt. 3 at 4; Dkt. 10 at 3) Plaintiff is also a frequent filer of frivolous complaints. The Second Amended Complaint did not cure the deficiencies previously pointed out by the Court. To proceed *in forma pauperis*, Plaintiff must file a complaint that states a viable cause of action. 28 U.S.C. § 1915(e)(2)(B). Plaintiff's failure to state a claim must result in the dismissal of the Second Amended Complaint and the denial of the construed motion to proceed *in forma pauperis*.

Accordingly, and because the Court has afforded Plaintiff several opportunities to cure the defects in this action, it is **ORDERED** that the Second Amended Complaint, (Dkt. 11), is **DISMISSED WITH PREJUDICE**. The Clerk is directed to **CLOSE** this case.

DONE and **ORDERED** in Tampa, Florida, this 12th day of December 2024.



MARY S. SCRIVEN
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel of Record
Any Unrepresented Person