

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

WILLIAM A. GATES, JR. ,

Plaintiff,

v.

Case No: 2:13-cv-445-FtM-38CM

LEE COUNTY SHERIFF'S
DEPARTMENT, NBC 2 NEWS
BROADCASTING STATION WBBH,
FORT MYERS NEWS-PRESS,
ROBERT SMITH, BRIAN
GRABECKI, BRIAN WILBUR, GIAN
FRANSICO, PAUL HARVEY, ERICA
CUNNINGHAM, PATRIACIA
ENTERLINE, DENES HUSTY and
CAPE CORAL POLICE
DEPARTMENT OFFICERS,

Defendants.

ORDER¹

This matter comes before the Court on the Plaintiff's Response to the Court's Order to Show Cause ([Doc. #22](#)) filed on November 20, 2013. The Plaintiff has established a pattern of not following through on the orders and directives issued by this Court. On August 5, 2013, the Court directed the Plaintiff to file a sworn Affidavit of Indigence and Second Amended Complaint on or before August 30, 2013, or have his case dismissed. On August 8, 2013, the Plaintiff moved the Court for an extension of time

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to file his sworn Affidavit and requested that his original Affidavit of Indigence be returned to him so he could have it notarized. The Magistrate Judge denied the Motion due to the Court's Order giving the Plaintiff up to and including August 30, 2013, to file his Amended Complaint and directed the Clerk of the Court to issue a new application to proceed IFP.

On October 7, 2013, the Court issued an Order to Show Cause to the Plaintiff for him to show cause why he had not filed an Amended Complaint nor a sworn Affidavit of Indigence as directed. In response, the Plaintiff replied that he needed his old unsworn Affidavit of Indigence returned to him before he could file a new sworn Affidavit of Indigence. The Plaintiff's latest response is insufficient. The Plaintiff does not need his old affidavit to file a sworn—up to date—Affidavit of Indigence or to comply with the Court's Order directing him to file an amended complaint.²

Again the Court directs the Plaintiff to show cause in writing why his case should not be dismissed for failure to comply with this Court's orders. In the alternative, Plaintiff may file an Amended Complaint as directed by the Court that complies with the Federal and Local Rules of Civil Procedure as previously directed. The Amended Complaint must be accompanied by a signed and sworn copy of his Affidavit of Indigence and a copy of his prisoner trust account for the last six (6) months, his prisoner consent form, or pay the required filing fee. Should the Plaintiff fail to comply with this Order, his case will be dismissed without further notice.

² If the Plaintiff still wants his prior filings, the cost for photocopies is \$.50 per page. *In forma pauperis* status does not entitle you to free copies of pleadings, motions, orders or other papers in the case file. You are requesting a number of pages, please forward the appropriate payment. Certification charge is \$11.00 per document, if required. Furthermore, effective January 2, 2013, the District Clerk of Court's Offices for the Middle District of Florida no longer accepts personal checks for any type of payment. Law firms may continue to remit payments using their business checks. The FLMD Clerk's Office will only accept cash, money orders, certified bank checks and cashier's checks beginning January 2, 2013. Checks or Money Orders should be made payable to: Clerk, U.S. District Court.

Accordingly, it is now

ORDERED:

(1) The Plaintiff has up to and including **Friday, July 10, 2015**, to file a copy of his Affidavit of Indigence and a copy of his prisoner trust account for the last six (6) months or pay the Court's filing fee.

(2) The Clerk of the Court is directed to send the Plaintiff, William A. Gates, Jr., # Y49234, Glades Work Camp, 2600 N. Main Street, Belle Glade, Florida 33430-5314 a copy of the Court's "Step by Step Guide to filing a Civil Action in the United States Federal Court," a new Affidavit of Indigence, and Prisoner Consent Form.

(3) Failure to comply with this Order will result in the case being dismissed without further notice.

DONE and **ORDERED** in Fort Myers, Florida this 8th day of June, 2015.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record