

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JAMES MICHAEL HUNTER,

Plaintiff,

v.

Case No: 2:17-cv-82-FtM-99MRM

FNU LOVETT, FNU ANDERSON,
FNU STAHLING, FNU WALKER, JD,
FLORIDA STATE PRISON and
CONFINEMENT OFFICERS,

Defendants.

ORDER OF DISMISSAL¹

This matter comes before the Court upon periodic review of the file. On February 8, 2017, the Court issued standing orders explaining to Plaintiff that when a *pro se* prisoner initiates an action he or she has thirty days to pay the filing fee or apply for *in forma pauperis* status. See [Doc. #9](#). As the order stated, under Local Rule 1.03(e) (M.D. Fla. 2010) the case is subject to dismissal *sua sponte* if the filing fee is not paid or the application is not filed within thirty days of commencement of the action.

More than thirty days have passed since Plaintiff initiated this action on December 19, 2016, and since the action was transferred to this Court on February 7, 2017. As of

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the date on this Order, Plaintiff has not paid the filing fee or filed an application for leave to proceed as a pauper. See docket. Accordingly, this action is subject to dismissal without prejudice due to Plaintiff's failure to comply with the Court's standing order and Local Rule 1.03(e).²

ACCORDINGLY, it is hereby

ORDERED:

1. The Complaint is **DISMISSED, without prejudice**, for the reasons herein.
2. The Clerk shall terminate any pending motions, enter judgment accordingly, and close this case.

DONE and **ORDERED** in Fort Myers, Florida on this 10th day of March, 2017.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

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Copies: All Parties of Record

²Petitioner should note that under 28 U.S.C. § 2244(d), Petitioner remains subject to the statute of limitations and the filing of the instant petition does not toll the deadline.