

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TODD W. MCGATHEY,

Plaintiff,

v.

Case No.: 2:18-cv-34-FtM-38NPM

CORIZON CARE LLC, ANDREW
SAFRON, MASAMI
KOLBENSCHLAG, BILL
PRUMMELL, CHARLOTTE
BEHAVIORIAL HEALTH CARE and
CORIZON MEDICAL LLC,

Defendants.

OPINION AND ORDER¹

This matter is before the Court on periodic review of the file. On March 15, 2018, the Court directed Plaintiff to file proof of indigency by filing a computer printout of all the transactions in his inmate account for the six (6) months preceding the filing of this action. ([Doc. 7](#)). Plaintiff was cautioned that failure to comply with the Court's Order could result in the dismissal of his case. Plaintiff failed to comply.

On May 18, 2018, the Court again ordered Plaintiff to file his proof of indigency. ([Doc. 10](#)). On May 31, 2018, the United States Postal Service returned the Order as undeliverable. This Court directed that Plaintiff keep the Court apprised of his address by Standing Order filed January 17, 2017. ([Doc. 3](#)). Plaintiff has an obligation to keep this Court advised of his current address in order to effectively process this litigation. On

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July 3, 2019, the Court issued an Order to Show Cause why the Plaintiff's case should not be dismissed for failure to comply with the Court's Order. ([Doc. 12](#)). To date, Plaintiff has failed to respond to the Court's Order and the time to do so has expired.

The Court has taken reasonable steps to provide Plaintiff an opportunity to respond to the Orders and Plaintiff was put on notice that the case would be dismissed if he failed to comply. The Local Rules provide that "[w]henver it appears that any case is not being diligently prosecuted the Court may, on motion of any party or on its own motion, enter an order to show cause why the case should not be dismissed, and if no satisfactory cause is shown, the case may be dismissed by the Court for want of prosecution." M.D. Fla. Rule 3.10(a)

The Court finds that Plaintiff has failed to prosecute this case and that the case is due to be dismissed. Because the Court is dismissing this action without prejudice, Plaintiff may file a new action if he wishes to pursue his claim.

Accordingly, it is now **ORDERED**:

1. Plaintiff Todd W. McGathey's Case is **DISMISSED without prejudice**.
2. The Clerk of the Court is directed to enter judgment accordingly, terminate any pending motions and deadlines, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 19th day of July 2019.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-2

Copies: All Parties of Record