

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

MICHAEL PAUL WRIGHT,

Plaintiff,

vs.

Case No. 3:08-cv-1194-J-34MCR

DETECTIVE THOMASLINSON et. al.,

Defendants.

REPORT AND RECOMMENDATION¹

THIS CAUSE is before the Court on *pro se* Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2) filed December 12, 2008. On December 22, 2008, the Court entered an Order directing Plaintiff to file an amended complaint and an amended affidavit of indigency no later than Wednesday, January 7, 2009. (Doc. 5). Plaintiff was warned that failure to file an amended complaint and affidavit, by the date specified, would result in the undersigned recommending to the District Judge that Plaintiff's request to proceed *in forma pauperis* be denied and this case be dismissed. Id. On December 29, 2008, Plaintiff filed an amended affidavit of indigency. (Doc. 6). However, to date Plaintiff has not filed an amended complaint. Because an amended complaint has not been filed, the Motion to proceed *In Forma Pauperis* (Doc. 2) is no longer proper.

¹ Any party may file and serve specific, written objections hereto within TEN (10) DAYS after service of this Report and Recommendation. Failure to do so shall bar the party from a de novo determination by a district judge of an issue covered herein and from attacking factual findings on appeal. See 28 U.S.C. §636(b)(1); Fed.R.Civ.P. 72(a), 6(a) and (e); Local Rules 6.02(a) and 4.20, United States District Court for the Middle District of Florida.

Accordingly, it is respectfully

RECOMMENDED:

1. Plaintiff's Motion to proceed *In Forma Pauperis* (Doc. 2) be **DENIED**.
2. Plaintiff's Complaint (Doc. 1), be **DISMISSED** without prejudice to Plaintiff filing a new complaint. Should Plaintiff decide to file a complaint, he should also re-file a copy of a completed Affidavit of Indigency at that time.

DONE AND ENTERED in Chambers in Jacksonville, Florida this 16th day of January, 2009.

Monte C. Richardson

MONTE C. RICHARDSON
UNITED STATES MAGISTRATE JUDGE

Copies to:

Hon. Marcia Morales Howard,
United States District Judge

Pro Se Plaintiff