

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

LARRY MALLERY, on behalf of
SUPREME COURT WASHINGTON D.C.,
and JUSTICE DEPT OF AMERICAN
INTERIOR, 432909 Property reference:
exclamations examples,

Plaintiffs,

Case No. 3:09-cv-466-J-25JRK

vs.

JAZZ FESTIVAL COMMITTEES
JACKSONVILLE, FLORIDA, with securities,
and 4 ARMED SECURITY PERSONS,

Defendants.

_____ /

REPORT AND RECOMMENDATION¹

This cause is before the Court sua sponte. Plaintiff initiated this action by filing a Complaint (Doc. No. 1) on May 26, 2009. Plaintiff did not accompany the Complaint with the \$350.00 filing fee or a request to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a)(1). On May 29, 2009, the Court entered an Order (Doc. No. 3) directing Plaintiff either to submit the \$350.00 filing fee or to complete and file an Affidavit of Indigency by June 10, 2009, failing which it would be recommended that this case be dismissed.

¹ Specific, written objections may be filed in accordance with 28 U.S.C. § 636 and Rule 6.02, Local Rules, United States District Court, Middle District of Florida, within ten (10) days after service of this document. Failure to file timely objections may bar a party from a de novo determination by a district judge and from attacking factual allegations on appeal. See 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b).

As of this date, Plaintiff has not paid the filing fee required by 28 U.S.C. § 1914; nor has Plaintiff filed an Affidavit of Indigency requesting to proceed in forma pauperis under 28 U.S.C. § 1915. Accordingly, it is

RECOMMENDED:

That this action be **DISMISSED** without prejudice for failure to comply with 28 U.S.C. § 1914.

RESPECTFULLY RECOMMENDED at Jacksonville, Florida on June 15, 2009.



JAMES R. KLINDT
United States Magistrate Judge

jdf

Copies to:

Pro Se parties