

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

RICHARD ANTHONY COLE,

Plaintiff,

v.

Case No. 3:11-cv-300-J-12TEM

DEPUTY KENNETH HILL, et al.,

Defendants.

ORDER OF DISMISSAL WITHOUT PREJUDICE

On July 15, 2011, the Court entered an Order (Doc. #9) granting Plaintiff's Motion for Extension of Time (Doc. #8) and directing Plaintiff to file his amended complaint within forty-five days. Further, the Court notified Plaintiff that his failure to do so would result in the dismissal of this action without further notice. As of the date of this Order, Plaintiff has not responded.

Therefore, it is now

ADJUDGED:

1. This case is hereby **DISMISSED** without prejudice.
2. The Clerk of the Court shall enter judgment dismissing this case without prejudice and close this case.
3. The **Clerk of Court** shall send a "Civil Rights Complaint Form," an "Affidavit of Indigency" form, and a "Prisoner Consent Form and Financial Certificate" to Plaintiff. If Plaintiff elects to refile his claims in a separate action, he may complete and submit these forms. Plaintiff should not place this case number on

the forms. The Clerk will assign a separate case number if Plaintiff elects to refile his claims. In refiling, Plaintiff shall **either** file a fully completed "Prisoner Consent Form and Financial Certificate" and "Affidavit of Indigency" (if he desires to proceed as a pauper) **or** pay the \$350.00 filing fee (if he does not desire to proceed as a pauper).

DONE AND ORDERED at Jacksonville, Florida, this 7th day of SEPTEMBER, 2011.

Howell W. Melton
UNITED STATES DISTRICT JUDGE

ps 8/31
C:
Richard A. Cole