

FILED

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

2013 09 30 AM 11:52  
CLERK OF DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE

DEBRA HOWARD,

Plaintiff,

vs.

CASE NO.: 3:12-cv-935-20JBT

PARADISE DREAMS INVESTMENTS  
CLUB, INC. and JOE W. ROBERTS,

Trustee

Defendants.

Howard v. Paradise Dreams Investments Club Inc. et al

Doc. 7

ORDER

THIS CAUSE is before this Court on the Magistrate Judge's Report and Recommendation (Dkt. 6), addressing Plaintiff's Complaint (Dkt. 1) and Plaintiff's Affidavit of Indigency (Dkt. 2), which was construed as a Motion to Proceed *In Forma Pauperis*. The Magistrate Judge found that Plaintiff's Complaint failed to follow Rule 8(a) of the Federal Rules of Civil Procedure and failed to state a claim upon which the Court could grant relief. In granting Plaintiff an extension of time to file both an Amended Complaint in compliance with court order and an "Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)," the Magistrate Judge warned Plaintiff that if she failed to comply, he may recommend to the District Judge that the Motion be denied and the case be dismissed. (Dkt. 6).

Plaintiff failed to file either of these pleadings. Therefore, the Magistrate Judge recommends that Plaintiff's construed Motion to Proceed *In Forma Pauperis* be denied and that this case be dismissed without prejudice for failure to state a claim, lack of jurisdiction, and want of prosecution. No objections were filed to the Report and Recommendation. After an independent review of the record and upon consideration of the Report and Recommendation, this Court adopts the same in

all respects.

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Dkt. 6) is adopted;
2. Plaintiff's Complaint (Dkt. 1) is **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff's Affidavit of Indigency (Dkt. 2) which is construed as a Motion to Proceed *In Forma Pauperis* is **DENIED**; and
4. The Clerk is directed to close this case.

**DONE AND ORDERED** at Jacksonville, Florida, this 30<sup>th</sup> day of October, 2012.

  
**HARVEY E. SCHLESINGER**  
UNITED STATES DISTRICT JUDGE

Copies to:  
Hon. Joel B. Toomey  
Debra Howard, *Pro Se*