

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

EMERY BARKSDALE, JR.,

Plaintiff,

v.

Case No: 3:13-cv-1223-J-39JBT

U.S. BANK, NATIONAL ASSOCIATION,  
as trustee for the certificate holders of  
the LXS2007-7N trust fund, BANK OF  
AMERICA, LENDERSUS.COM, and  
DOES: 1-1000,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court on the Magistrate Judge's Report and Recommendation (Doc. 6) recommending that Plaintiff's Complaint be dismissed for failure to prosecute. Upon review of Plaintiff's Complaint (Doc. 1) and Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2), the assigned Magistrate Judge directed Plaintiff to file a detailed affidavit of indigency by November 18, 2013 and warned Plaintiff that failure to comply could result in the Magistrate Judge recommending that his request to proceed *in forma pauperis* be denied. (Doc. 4). Plaintiff failed to file a more detailed affidavit of indigency or otherwise respond to the Court's Order and on November 27, 2013, the Magistrate Judge issued an Order to Show Cause (Doc. 5) directing Plaintiff to show cause by December 18, 2013 why his Motion should not be denied. Plaintiff was again warned that failure to respond to the Order to Show cause would likely result in a recommendation that the Motion be denied and the case be dismissed without prejudice. Plaintiff failed to respond and on December 30, 2013, the Magistrate Judge

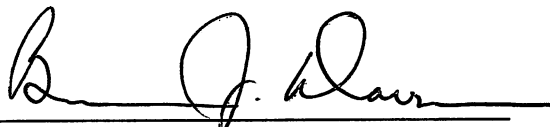
issued a Report and Recommendation recommending that Plaintiff's Motion be denied and the case be dismissed without prejudice. (Doc. 6). Plaintiff has been furnished with a copy of the Report and Recommendation and has been afforded an opportunity to file objections. However, no objections have been filed.

Accordingly, upon independent review of the file and for the reasons stated in the Report and Recommendation issued by the Magistrate Judge, it is hereby

**ORDERED AND ADJUDGED** that:

1. The Magistrate Judge's Report and Recommendation (Doc. 6) is **ADOPTED** as the opinion of the Court.
2. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2) is **DENIED**.
3. This action is dismissed without prejudice to Plaintiff paying the filing fee to maintain the prosecution of this suit no later than **February 17, 2014**. The Clerk shall close the file now, subject to reopening if Plaintiff pays the filing fee by the February 17, 2014 deadline.

**DONE and ORDERED** in Jacksonville, Florida this <sup>29<sup>th</sup></sup>~~28~~th day of January, 2014.

  
**BRIAN J. DAVIS**  
United States District Judge

mh  
Copies furnished to:

Honorable Joel B. Toomey  
United States Magistrate Judge

*Pro Se* Plaintiff