

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

ERNEST A. ROBINSON,

Plaintiff,

v.

Case No. 3:14-cv-386-J-32JBT

FLORIDA DEPARTMENT OF  
CORRECTIONS, PUTNAM COUNTY  
CLERK OF COURT,

Defendant.

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**ORDER**

This case is before the Court on Plaintiff Ernest A. Robinson's March 2, 2015 filing (Doc. 17), which appears to be both a request to fully reopen this case and a further amended complaint. Plaintiff had previously sought leave to proceed in forma pauperis, a request that was initially deferred on May 5, 2014 (Doc. 6), but was effectively denied without prejudice on July 3, 2014 when the Court dismissed the case without prejudice for failure to file an amended complaint and a more detailed financial affidavit as previously directed (Doc. 8). On August 19, 2014, Plaintiff filed something resembling an amended complaint, but comprised of more than 270 pages of materials. (Doc. 9) Because it still could not determine what claims plaintiff was advancing, on August 22, 2014, the Court deferred reopening the case, but allowed plaintiff another chance to amend his complaint and to submit a completed financial affidavit by September 22, 2014. (Doc. 10.) On October 28, 2014, after plaintiff failed to file anything by this deadline, the Court formally denied the motion to reopen the

case. (Doc. 11.) Plaintiff did subsequently file on December 10, 2014 a new application to proceed in forma pauperis and another document resembling an amended complaint. (Docs. 12, 13.) On December 22, 2014, he filed a motion to reopen the case which was similar to the December 10, 2014 amended complaint. (Doc. 14.)

On January 30, 2015, the assigned United States Magistrate Judge issued a Report and Recommendation (Doc. 15) regarding the renewed application to proceed in forma pauperis and the most recent amended complaint. In the Report and Recommendation, Magistrate Judge Toomey reviewed the amended complaint pursuant to 28 U.S.C. § 1915(e)(2)(B) and concluded that it failed to state a viable claim under 42 U.S.C. § 1983. (Id.) Magistrate Judge Toomey nevertheless recommended that plaintiff be given one final opportunity to file a proper amended complaint. (Id.) That same day, January 30, 2015, Magistrate Judge Toomey reopened the case for the limited purpose of addressing the application to proceed in forma pauperis on its merits. (Doc. 16.)

On March 2, 2015, plaintiff filed the instant motion/amended complaint. (Doc. 17.) Upon review, the allegations in the latest filing appear nearly identical to those in the December 10, 2014 amended complaint, with the notable exception that plaintiff states that he is now employed and no longer seeks to proceed in forma pauperis. (Doc. 17 at 4.)

Plaintiff's withdrawal of his request to proceed in forma pauperis may mean the Court is no longer required to dismiss the case on the Court's own motion pursuant to 28 U.S.C. § 1915(e)(2)(B). But plaintiff's latest filing still suffers from the same

deficiencies Magistrate Judge Toomey identified in the Report and Recommendation. The Court therefore has serious concerns about the viability of plaintiff's claims in this case. So while the Court will set a deadline for plaintiff to pay the \$400.00 filing fee necessary to proceed with the case, he should consider whether he wishes to do so.

Accordingly, it is hereby **ORDERED** that, no later than **April 6, 2015**, plaintiff shall pay the \$400.00 filing fee for opening a civil action. **Plaintiff is advised that if he does not pay the filing fee by the deadline, the case will remain dismissed and will be closed.**

**DONE AND ORDERED** at Jacksonville, Florida this 9th day of March, 2015.

  
TIMOTHY J. CORRIGAN  
United States District Judge

bjb  
Copies to:

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