

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

ANTHONY TONY ROMANO,

Plaintiff,

v.

Case No. 3:15-cv-1053-J-34MCR

SECRETARY, FLORIDA DEPARTMENT  
OF CORRECTIONS et al.,

Defendants.

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**ORDER OF DISMISSAL WITHOUT PREJUDICE**

Plaintiff Anthony Tony Romano, an inmate of the Florida penal system, initiated this action on August 25, 2015, by filing a pro se Civil Rights Complaint Form (Complaint; Doc. 1) under 42 U.S.C. § 1983. In the Complaint, Romano names thirty-four Defendants; however, it appears that he lists some of the Defendants more than once. Romano, a disabled inmate, asserts that the Defendants were deliberately indifferent to his medical needs and failed to provide him with "prescribed assistive aid devices." He states that the Defendants deprived him of an electric wheelchair, orthopedic shoes, velcro shower shoes, wrist and back braces, pain medication and physical therapy while he was incarcerated at Dade Correctional Institution, South Florida Reception Center, and Columbia Correctional Institution. As relief, he requests monetary damages

and injunctive relief. On August 28, 2015, the Court directed him to file an Amended Complaint by October 28, 2015. See Order to Amend (Doc. 5). Plaintiff requested the assistance of counsel and an extension of time to comply with the Court's Order. See Motion for Appointment of Counsel (Doc. 8), filed September 29, 2015; Motion for Extension of Time to File Amended Complaint (Doc. 9), filed October 9, 2015.

On October 27, 2015, Romano filed a Motion to Dismiss Without Prejudice (Motion; Doc. 11). In the Motion, he requests that the Court dismiss the case without prejudice. Therefore, Plaintiff's request will be granted, and the case will be dismissed without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), to his right to refile his claims at a later date, if he elects to do so.

Accordingly, it is now

**ORDERED AND ADJUDGED:**

1. Plaintiff's request to voluntarily dismiss the action (Doc. 11) is **GRANTED**.
2. This case is hereby **DISMISSED without prejudice**.<sup>1</sup>
3. The Clerk of Court shall enter judgment dismissing this case without prejudice, terminating any pending motions, and closing the case.

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<sup>1</sup> Plaintiff is advised that a 42 U.S.C. § 1983 action brought in Florida is governed by Florida's four-year personal injury statute of limitations. Henyard v. Sec'y, Dep't of Corr., 543 F.3d 644, 647 (11th Cir. 2008).

4. The Clerk shall send a civil rights complaint form (with the accompanying instructions) and an Affidavit of Indigency form to Plaintiff. If he elects to refile his claims, he may complete and submit the proper 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.

**DONE AND ORDERED** at Jacksonville, Florida, this 28th day of October, 2015.

  
MARCIA MORALES HOWARD  
United States District Judge

sc 10/27

c:

Anthony Tony Romano, FDOC #B05029