

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

**EDWIN TERRY WINFORD,**

**Plaintiff,**

v.

**Case No. 3:16-cv-1445-J-20MCR**

**SANDY ARNOLD and BOYD & JENERETTE,**

**Defendants.**

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**ORDER**

**THIS CAUSE** is before this Court following a Report and Recommendation (Dkt. 10). The Report and Recommendation recommends that Plaintiff's construed Application to Proceed *in forma pauperis* be denied, and this case be dismissed without prejudice.

The Report and Recommendation outlined the procedural posture of this case. Plaintiff filed a Complaint and Affidavit of Indigency, which the Court construed as an application to proceed in forma pauperis. (Dkts. 1, 2). On November 23, 2016, the Court entered an Order taking the application under advisement and directing Plaintiff to file an amended complaint and an amended, long-form application by December 21, 2016. (Dkt. 3). Construing Plaintiff's Complaint liberally, the Court found that it was subject to dismissal for failure to state a claim on which relief may be granted and/or lack of jurisdiction. (*Id.* at 2). The Court provided Plaintiff with an opportunity to amend the Complaint and to file an amended, long-form application. (*Id.* at 3-5). Plaintiff was warned that the failure to properly respond could result in the dismissal of the case. (*Id.* at 5.)

Plaintiff did not respond. On January 10, 2017, the Court entered an Order directing Plaintiff to either file an amended complaint and an amended, long-form application, or show cause in writing why the Magistrate Judge should not recommend that the application be denied and that the case be

dismissed for failure to state a claim on which relief may be granted, lack of jurisdiction, and/or lack of prosecution. (Dkt. 7). Again, Plaintiff was warned that the failure to properly respond could result in the cases dismissal. (*Id.* at 2.). Plaintiff's response was a Motion for Summary Judgment, not an amended complaint or amended, long-form application. (Dkt. 9).

In response to the Report and Recommendation, Plaintiff has filed three additional pleadings. In the first pleading, Plaintiff explains, "I have issues" and that it is "hard to reply sometime", and Plaintiff requests that the case be reopened. (Dkt. 12). The second pleading is an Amended Affidavit of Indigency. (Dkt. 13). The third pleading, however, is merely another request to reopen the case. (Dkt. 14).

The problem here is Plaintiff has not followed Orders of this Court. Plaintiff may have filed an Amended Affidavit of Indigency, but no amended complaint has been filed. Accordingly, this Court finds this case should be dismissed without prejudice

Accordingly, it is **ORDERED**:

1. The Magistrate Judge's Report and Recommendation (Dkt. 12) is adopted;
2. This case is **DISMISSED without Prejudice**; and
3. The Clerk is directed to close this case.

**DONE AND ENTERED** at Jacksonville, Florida, this 26 day of March, 2016.

  
HARVEY E. SCHLESINGER  
UNITED STATES DISTRICT JUDGE

Copies to:  
Hon. Monte C. Richardson, U.S. Magistrate Judge  
Edwin Terry Winford, *Pro Se*