

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ARMANDO A. DIAZ,

Plaintiff,

v.

Case No. 6:14-cv-1479-Orl-37DAB

NATIONSTAR MORTGAGE, LLC.,

Defendant.

ORDER

This cause is before the Court on Nationstar's Motion to Dismiss Amended Complaint (Doc. 11), filed September 29, 2014.

On September 10, 2014, Plaintiff filed a Verified Complaint for Damages alleging that Defendant had violated the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and multiple state laws. (See Doc. 1.) On September 24, 2014, the Court dismissed the Complaint *sua sponte* as an impermissible shotgun pleading. (See Doc. 7.) The Court granted Plaintiff leave to file an amended complaint on or before October 10, 2014. (See *id.* at 2.) To date, Plaintiff has not done so.

On September 29, 2014, Defendant filed a Motion to Dismiss Amended Complaint. (See Doc. 11.) Although the motion refers in name to Plaintiff's "Amended Complaint," it does not cite to a docket entry for the pleading, as indeed, none exists. (See *id.*) The Court subsequently directed the pro se Plaintiff to respond (see Doc. 13), but he did not.

Plaintiff has not filed an operative pleading, and the time for doing so has passed. Accordingly, it is **HEREBY ORDERED AND ADJUDGED** that:

1. Nationstar's Motion to Dismiss Amended Complaint (Doc. 11) is **DENIED**

AS MOOT.

2. This case is **DISMISSED WITHOUT PREJUDICE.**
3. The Clerk is **DIRECTED** to close the file.

DONE AND ORDERED in Chambers in Orlando, Florida, on October 31, 2014.



ROY B. DALTON JR.
United States District Judge

Copies:

Pro se Party