

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

JAVIER PEREZ,

Plaintiff,

v.

Case No. 6:15-cv-879-Orl-37GJK

BOBBY CRAIG HARRELSON, JR.;  
CONSTANTINE PROCOS; and  
JOSHUA SANTOS,

Defendants.

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**ORDER**

This cause is before the Court on its own motion.

On March 7, 2016, the Court entered an Order partially granting Defendants', Constantine Procos and Joshua Santos, Motion to Dismiss Plaintiff's Amended Complaint and Incorporated Memorandum of Law (Doc. 36). (Doc. 56.) In particular, the Court dismissed Counts IV and VII of Plaintiff's Amended Complaint without prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6). (See Doc. 56, pp. 9–11, 16.) In doing so, the Court outlined the existing deficiencies in Plaintiffs' Amended Complaint and granted Plaintiff leave to amend his complaint to cure such deficiencies. (See *id.*)

The Court warned Plaintiff that failure to file a second amended complaint on or before Monday, **March 21, 2016**, would result in dismissal of Counts IV and VII with prejudice. (*Id.* at 16.) To date, Plaintiff has not filed a second amended complaint. Therefore, in accordance with the Court's prior warning, Counts IV and VII of Plaintiff's First Amended Complaint (Doc. 30) are **DISMISSED WITH PREJUDICE**. On or before Monday, **April 18, 2016**, Defendants Constantine Procos and Joshua Santos shall file

their respective answers to the remaining counts of Plaintiff's First Amended Complaint (Doc. 30).

**IT IS SO ORDERED.**

**DONE AND ORDERED** in Chambers in Orlando, Florida, on March 28, 2016.



  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record