

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ERIC REDDICK,

Petitioner,

v.

Case No: 6:15-cv-1471-Orl-41GJK

PAM BONDI,

Respondent.

ORDER

THIS CAUSE is before the Court on the Report and Recommendation (“R&R,” Doc. 14), submitted by United States Magistrate Judge Gregory J. Kelly. On November 13, 2015, Judge Kelly issued an Order that, among other things, denied Plaintiff’s motion to proceed *in forma pauperis* and dismissed Plaintiff’s Complaint without prejudice for failure to state a claim. (Nov. 13, 2015 Order, Doc. 13, at 7). Judge Kelly instructed Plaintiff to file an Amended Complaint within twenty-one days of the date of the Order. (*Id.*). Judge Kelly warned Plaintiff that failure to file an Amended Complaint in accordance with the Order would “result in a recommendation that the case be dismissed without further warning.” (*Id.* at 8). Plaintiff failed to file an Amended Complaint within the allocated time period, which led to the issuance of the current R&R. The R&R recommends that this case be dismissed without prejudice for failure to prosecute. Plaintiff filed an Objection (Doc. 15) to the R&R, arguing that his motion to proceed *in forma pauperis* should have been granted because he demonstrated that he was indigent.

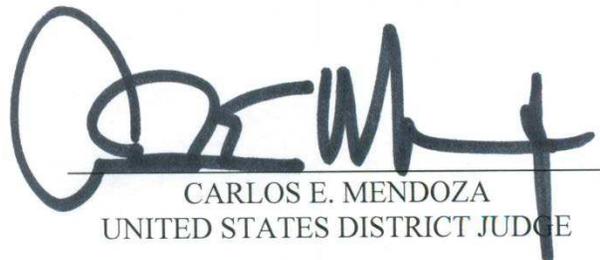
After an independent *de novo* review of the record in this matter, the Court agrees entirely with the findings of fact and conclusions of law in the R&R. As noted in the November 13, 2015 Order, it is proper for the Court to review civil complaints filed *in forma pauperis* for sufficiency

before allowing the party to proceed *in forma pauperis*. (Nov. 13, 2015 Order at 2–3). Moreover, Judge Kelly recommends dismissing this matter for failure to prosecute based on Plaintiff’s failure to file an Amended Complaint. Plaintiff has not yet filed an Amended Complaint and the time to do so has long passed. Therefore, regardless of whether Plaintiff established that he was indigent, this case is due to be dismissed for failure to prosecute.

Accordingly, it is **ORDERED** and **ADJUDGED** as follows:

1. The Report and Recommendation (Doc. 14) is **ADOPTED** and **CONFIRMED** and made part of this Order.
2. This case is **DISMISSED without prejudice** for failure to prosecute.
3. The Clerk is directed to close this case.

DONE and **ORDERED** in Orlando, Florida on January 28, 2016.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party