

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

ISTVAN RUZSA,

Plaintiff,

v.

Case No: 6:16-cv-1202-Orl-41KRS

MICHAEL J. MACDONALD,

Defendant.

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ORDER

THIS CAUSE is before the Court on Plaintiff's Application to Proceed in District Court Without Prepaying ("Motion to Proceed," Doc. 2). United States Magistrate Judge Karla R. Spaulding submitted a Report and Recommendation ("R&R," Doc. 7), in which she recommends that the motion be denied without prejudice and the Complaint (Doc. 1) be dismissed without prejudice. Judge Spaulding further recommends that Plaintiff be given an opportunity to file an amended pleading and motion for leave to proceed *in forma pauperis*.

After a *de novo* review of the record, and noting that no objections were timely filed, this Court agrees with the analysis in the Report and Recommendation. Plaintiff will be given leave to amend, but he is cautioned to carefully review the guidelines set forth in the R&R in doing so. The Court notes that Plaintiff has filed numerous cases, many of which appear to seek the same or similar relief. The time expended on such serial filings is a drain on judicial resources. Accordingly, Plaintiff is placed on notice that failure to comply with the guidelines set forth in the R&R, as well as all applicable local and federal rules, in crafting his amended pleading may result in both the dismissal of this case and the issuance of a prescreening order on all future filings made with this Court.

Also before the Court are the following filings: Motion for Leave [to file] an Amended Complaint and Renewed Motion to Proceed (Doc. 8); Plaintiff's Motion with Record Copy (Doc. 9); and Plaintiff's Motion to File [] Work Injuries Claims (Doc. 10). Because the Court has determined that Plaintiff will be given leave to amend in accordance with the R&R, all subsequent requests to amend his Complaint are moot.

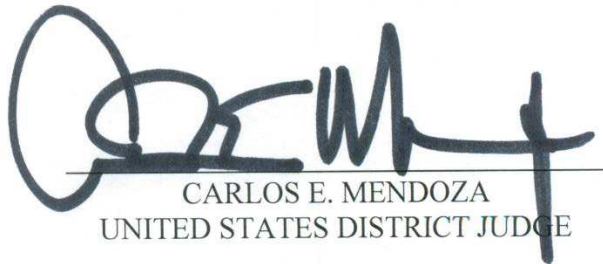
Finally, Plaintiff has made the following additional filings: Plaintiff's Motion for Judgment (Doc. 11); and Plaintiff's Motion for Judgment (Doc. 13). Therein, Plaintiff appears to request that this case be transferred to the assigned Magistrate pursuant to 28 U.S.C. § 636(c) and that default judgment be entered against Defendant. Plaintiff may not unilaterally consent to have this matter heard by a magistrate judge. Additionally, Defendant has not been served and no default has been entered against him, therefore a default judgment would be improper. Thus, Plaintiff's motions will be denied.

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

1. The Report and Recommendation (Doc. 7) is **ADOPTED** and **CONFIRMED** and made a part of this Order.
2. Plaintiff's Application to Proceed in District Court Without Prepaying (Doc. 2) is **DENIED without prejudice**.
3. The Complaint (Doc. 1) is **DISMISSED without prejudice**.
4. **On or before January 9, 2017**, Plaintiff shall file an Amended Complaint and Application to Proceed in District Court Without Prepaying. Failure to timely file documents that comply with the directives set forth in the R&R may result in the dismissal of this case without further notice.

5. Plaintiff's Motion for Leave [to file] an Amended Complaint and Renewed Motion to Proceed (Doc. 8); Plaintiff's Motion with Record Copy (Doc. 9); and Plaintiff's Motion to File [] Work Injuries Claims (Doc. 10) are **DENIED as moot**.
6. Plaintiff's Motion for Judgment (Doc. 11); and Plaintiff's Motion for Judgment (Doc. 13) are **DENIED**.

DONE and ORDERED in Orlando, Florida on December 19, 2016.



CARLOS E. MENDOZA
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party