

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TERRY BURDETTE TUTEN,

Plaintiff,

v.

Case No. 8:17-cv-1443-T-36JSS

DEPUTY DUSTIN BROOKS, et al.,

Defendants.

ORDER

Plaintiff, a pre-trial detainee incarcerated at Pasco County Jail, Land O'Lakes, Florida, initiated this action by filing a civil rights complaint in which he claims Defendants used excessive force while arresting him. (Dkt. 1.) He did not, however, pay the filing fee or request leave to proceed *in forma pauperis*. Pursuant to Rule 1.03(e) of the Local Rules of this court, the case is subject to dismissal if the fee is not paid or an affidavit of indigency is not filed within thirty (30) days after the case commences. Therefore, Plaintiff shall either submit the \$400.00 filing fee or complete and file the enclosed affidavit of indigency. The failure to timely pay the fee or file the Affidavit of Indigency will result in the dismissal of this case without further notice. *See Czetli v. Secretary, Dep't of Corr.*, 212 Fed. App'x 879, 881 (11th Cir. 2006) (unpublished) (“[T]he district court abused its discretion by dismissing Czetli’s petition without first giving him notice and an opportunity to pay the filing fee or file the required documentation to proceed IFP.”).

Moreover, Plaintiff will be required to file an amended complaint on the court approved Civil Rights Complaint Form. Plaintiff must properly complete the entire Form, including

identifying his previous lawsuits in paragraph III of the Form, identifying the parties and their addresses in paragraph IV of the Form, and identifying the specific rights violated in paragraph V of the Form.

Accordingly, it is **ORDERED**:

1. The **Clerk** shall **enclose** an Affidavit of Indigency form and the court approved Civil Rights Complaint Form in the envelope with Plaintiff's copy of this Order.

2. Plaintiff shall, within thirty (30) days from the date of this Order, 1) either submit the \$400.00 filing fee or complete and file the enclosed Affidavit of Indigency, and 2) file an amended complaint.¹ Failure to do so will result in the **dismissal** of this action **without further notice**.

DONE AND ORDERED at Tampa, Florida, on June 21, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

SA: sfc
Copy to: Plaintiff *pro se*