

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

MARCELLA ANDERSON PUCKETT,

Plaintiff,

v.

Case No: 8:21-cv-1834-CEH-SPF

AIN JEEM, INC., BRICKELL IP
GROUP PLLC and ACKERMAN,

Defendants.

ORDER

This matter is before the Court upon periodic review. Because Plaintiff has failed to timely file an Amended Complaint, despite being given the opportunity to do so, this action is due to be dismissed without prejudice.

DISCUSSION

A district court may dismiss a plaintiff's claims pursuant to Rule 41(b) or the court's inherent authority to manage its docket. *Betty K Agencies, Ltd. v. M/V MONADA*, 432 F.3d 1333, 1337 (11th Cir. 2005). Under Rule 41(b), "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss this action or any claim against it." Fed. R. Civ. P. 41(b). The Eleventh Circuit has recognized that a district court may dismiss an action *sua sponte* for the plaintiff's failure to prosecute her case or obey a court order under Rule 41(b). *Betty K Agencies, Ltd.*, 432 F.3d at 1337.

On October 19, 2021, the Court adopted the Magistrate Judge's Report and Recommendation and dismissed, without prejudice, Plaintiff's Complaint. Doc. 8. The Court granted Plaintiff leave to file an amended complaint on or before November 9, 2021 that conforms to federal pleading standards. *Id.* At 2. Additionally, the Court directed Plaintiff to pay the filing fee. *Id.* Thus, Plaintiff's Amended Complaint and the filing fee were due on or before November 9, 2021. The Court cautioned that "failure to file an amended complaint or pay the filing fee may result in dismissal of this case without prejudice and without further notice." *Id.* To date, Plaintiff has not filed an Amended Complaint, has not paid the filing fee, and has not sought an extension of time to do either. For failing to comply with the Court's order directing the filing of an Amended Complaint and payment of the filing fee, Plaintiff's action is subject to dismissal. Fed. R. Civ. P. 41(b). Accordingly, it is hereby

ORDERED:

1. This action is **DISMISSED, without prejudice.**
2. The Clerk of Court is directed to terminate all motions and deadlines and

CLOSE this case.

DONE and **ORDERED** in Tampa, Florida on November 17, 2021.


Charlene Edwards Honeywell
United States District Judge

Copies furnished to: Counsel of Record and Unrepresented Parties