

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

JOHN BURTON,

Plaintiff,

v.

Case No. 8:24-cv-2678-WFJ-LSG

USA,

Defendant.

_____ /

ORDER

Before the Court is Plaintiff John Burton's *pro se* motion to proceed *in forma pauperis* (Dkt. 1), and the United States Magistrate Judge's report recommending that the motion be denied and the case be dismissed for failure to prosecute (Dkt. 4). The time for filing objections has passed.

Mr. Burton never filed a complaint in this case. On November 25, 2024, the Court issued a show cause order directing Plaintiff to file a complaint—one that states a viable federal cause of action—by December 16, 2024, or this case would be dismissed for failure to prosecute. Dkt. 2. Plaintiff failed to notify the Court of any change in address, and the order was returned as undeliverable. *See* Dkts. 3 & 4 at 2. Plaintiff has not filed anything in this case since it was opened.


As noted by the Magistrate Judge, Mr. Burton's appeal from another, possibly related case, No. 8:23-cv-1372-CEH-SPF, was dismissed on November

18, 2024, for failure to prosecute. Dkt. 4 at 2. In that case, Plaintiff neither paid the filing fee nor moved to proceed *in forma pauperis*.

The Court reviews the legal conclusions *de novo* in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010) (citation omitted); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994). The facts are clear from the record. The magistrate judge properly recommends that the action be dismissed. For the reasons explained in the Report and Recommendation, and in conjunction with an independent examination of the file, the Court rules as follows:

1. The Report and Recommendation (Dkt. 4) is adopted, confirmed, and approved in all respects and made a part of this order.
2. Plaintiff's application to proceed in the district court without prepaying fees or costs (Dkt. 1) is denied.
3. This action is dismissed without prejudice for failure to prosecute and failure to comply with the Court's order.
4. The Clerk is directed to terminate any pending motions and deadlines and to close the case.

DONE AND ORDERED at Tampa, Florida, on January 7, 2025.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO: Plaintiff, *pro se*