

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION

LEROY MCDANIEL, JR.,

Plaintiff,

v.

Case No. 1:11-cv-108-MP-GRJ

SEDIE DARNELL et al.,

Defendants.

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**ORDER AND REPORT AND RECOMMENDATION**

On July 18, 2012, this Court entered an order permitting Plaintiff until August 10, 2012 to file an amended motion to proceed in forma pauperis and amended complaint. (Doc. 29.) This deadline was the most recent of several extensions granted by the Court since it first directed Plaintiff to amend on July 25, 2011. (Doc. 11.) Plaintiff did not comply with the Court's order but instead on or about August 16, 2012 mailed a note to the Court requesting appointment of counsel and an extension of time. (Doc. 30.)

The Court has repeatedly advised Plaintiff of what he must do to pursue his Eighth Amendment medical care claims related to his incarceration at the Alachua County Jail and in the Department of Corrections. The Court has also repeatedly denied Plaintiff's requests for counsel. (Docs. 3, 22, 25.) In the most recent order directing Plaintiff to file amended pleadings, the Court warned Plaintiff that this would be his final opportunity to amend and if he did not comply, the undersigned would recommend that the case be dismissed. (Doc. 29.)

Regardless of Plaintiff's various changes of address, mail returned as undeliverable to the Court, and extensions of time, he was directed to file an amended complaint and motion to proceed in forma pauperis more than one year ago and has

failed to do so. Accordingly, it is **RECOMMENDED** the this action be dismissed without prejudice for failure to prosecute and failure to comply with an order of the Court.

It is **ORDERED** that Plaintiff's motion to extend time and appoint counsel (Doc. 30) is **DENIED**.

**IN CHAMBERS** at Gainesville, Florida, this 20<sup>th</sup> day of August 2012.

*s/ Gary R. Jones*

GARY R. JONES  
United States Magistrate Judge

#### **NOTICE TO THE PARTIES**

**Pursuant to Fed. R. Civ. P. 72(b)(2), a party may file specific, written objections to the proposed findings and recommendations within 14 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 14 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.**