

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

ALEX STILLMAN JACKSON,

Plaintiff,

vs.

Case No. 4:06cv339-SPM/WCS

STATE OF FLORIDA,

Defendant.

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REPORT AND RECOMMENDATION

Plaintiff, proceeding *pro se*, has submitted a civil complaint, doc. 1, and a motion seeking leave to proceed *in forma pauperis*, doc. 2, which is supported by a financial affidavit, doc. 3. The financial affidavit reveals that Plaintiff is married, and although he is not currently employed, his spouse is employed. Doc. 3. Plaintiff's spouse earns approximately three thousand dollars per month, and despite Plaintiff's unemployed status, Plaintiff receives just over two thousand dollars per month as retirement income. *Id.* Those amounts translate to an annual family income of approximately sixty thousand dollars. *Id.* Plaintiff also states that he owns his home and does not owe any money for the property. *Id.*, at 2.¹ Plaintiff owns a vehicle, but does not owe any money

¹ At another point in the affidavit, Plaintiff indicates he pays \$800.00 per month on a mortgage. Doc. 3, p. 2. It is not clear from this affidavit whether Plaintiff still pays

for the 1997 Ford Explorer. *Id.* It appears that Plaintiff has the financial ability to pay the \$350.00 filing fee for this case.

Alternatively, Plaintiff may choose to voluntarily dismiss this case. Plaintiff's allegations in this instant complaint, doc. 1, are far from clear and Plaintiff has provided no facts to support any claim against the State of Florida. Indeed, Plaintiff's allegations are bizarre and fanciful. In the event Plaintiff decides to pay the filing fee and proceed with this case, he would likely be given an opportunity to submit an amended complaint on court forms, Plaintiff is advised that at present, his complaint is insufficient to state a claim. Plaintiff should, thus, give careful consideration to the merits of this action. Thus, should Plaintiff decide to dismiss this case as provided for in FED. R. CIV. P. 41(a), Plaintiff must file a notice of voluntary dismissal within fifteen (15) days of receipt of this report and recommendation.

Accordingly, it is **RECOMMENDED** that the motion seeking *in forma pauperis* status, doc. 2, be **DENIED**, that Plaintiff be provided thirty (30) days in which to submit the \$350.00 filing fee, and this case **REMANDED** for further proceedings.

IN CHAMBERS at Tallahassee, Florida, on July 24, 2006.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
UNITED STATES MAGISTRATE JUDGE

a mortgage because he indicates he does not owe anything on the property. *Id.*, at 3. Should Plaintiff file objections to this report and recommendation, he should clarify these conflicting statements in his financial affidavit, sworn to under penalty of perjury.

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.