

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

**ANTWOINE CANNON,
INMATE # 256565,**

Plaintiff,

vs.

Case No. 4:24-cv-179-AW-MAF

**OFFICER CHASE,
OFFICER FISHER, and
TALLAHASSEE POLICE
DEPARTMENT,**

Defendants.

_____ /

ORDER

Plaintiff, proceeding pro se, was granted leave to proceed in forma pauperis status, ECF No. 9, and his initial civil rights complaint, ECF No. 1, was reviewed as required by 28 U.S.C. § 1915A. Finding it insufficient, an Order was entered on June 26, 2024, directing Plaintiff to file an amended civil rights complaint. ECF No. 10. Plaintiff was advised of the deficiencies which had to be corrected, and directed to explain the basis for his claims against the two Defendants. Plaintiff's deadline to comply with that Order

was July 26, 2024, and he was warned that if he failed to comply, a recommendation would be made to dismiss this case. *Id.*

As of August 15, 2024, nothing further had been received from Plaintiff, despite that warning. Because it appeared that Plaintiff had abandoned this litigation, a Report and Recommendation was entered, ECF No. 11, recommending this case be dismissed.

On August 22, 2024, Plaintiff filed a notice of change of address. ECF No. 12. Plaintiff's notice advises that he was transferred from Santa Rosa Correctional Institution to Wakulla Correctional Institution on August 15, 2024, the same date the Report and Recommendation was entered. *Id.* Although Plaintiff did not file the amended complaint as directed, he did file the address change, suggesting at least, that Plaintiff has not abandoned this litigation.

Accordingly, the Report and Recommendation will be vacated and Plaintiff provided a brief period of time in which to comply with the prior Order, ECF No. 10, directing him to file an amended complaint. The Clerk shall provide Plaintiff with another copy of the Order, ECF No. 10, and Plaintiff shall have until **September 19, 2024**, in which to file the amended complaint.

Accordingly, it is

ORDERED:

1. The Report and Recommendation, ECF No. 11, is **VACATED**.
2. The Clerk of Court shall provide Plaintiff with another copy of the June 26, 2024, Order, ECF No. 10, and a civil rights complaint form so that Plaintiff can comply with that Order.
3. Plaintiff shall have until **September 19, 2024**, in which to file an amended civil rights complaint in compliance with the prior Order.
4. If Plaintiff does not want to continue this litigation, Plaintiff must file a notice of voluntary dismissal by **September 19, 2024**.
5. **Failure to comply with this Court Order may result in a recommendation of dismissal of this action.**
6. The Clerk of Court shall return this file upon receipt of Plaintiff's amended complaint or no later than September 19, 2024.

DONE AND ORDERED on August 29, 2024.

S/ Martin A. Fitzpatrick

MARTIN A. FITZPATRICK
UNITED STATES MAGISTRATE JUDGE