

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-61710-CIV-ZLOCH

DAVID DAMIEN JONES,

Plaintiff,

FINAL ORDER OF DISMISSAL

vs.

JOHN DOES,

Defendants.

THIS MATTER is before the Court upon the Report Of Magistrate Judge (DE 18) filed herein by United States Magistrate Judge Patrick A. White and upon the Plaintiff David Damien Jones's Motion For Leave To File An Amended Complaint (DE 19). The Court has conducted a de novo review of the entire record herein and is otherwise fully advised in the premises.

In his Report (DE 18), Magistrate Judge White recommends dismissing the above-styled cause without prejudice due to Plaintiff's failure to prosecute the action. In his Complaint (DE 1), Plaintiff David Damien Jones failed to name any Defendants for the Court to effect service. By prior Order (DE 14) Plaintiff was advised that he must file an amended complaint by December 30, 2009. This time was extended to January 29, 2010, see DE 15, and again, to February 25, 2010. See DE 17. At the time these extentions were given, Plaintiff was cautioned by Magistrate Judge White that his failure to timely file an amended complaint could result in dismissal of this case. See DE 15. He was also advised by the Court that no further extentions would be given. See DE 17.

In response to the instant Report (DE 18), Plaintiff has now filed a Motion For Leave To File An Amended Complaint (DE 19), naming a defendant in the above-styled cause for the first time.

Magistrate Judge White did advise Plaintiff that, within the time for filing objections to the instant Report, Plaintiff could provide the Court with the names of defendants, but instructed that he "must also provide an explanation of why he did not comply with the Court's Orders." DE 18, p. 2. Because Plaintiff has failed to provide any such explanation, his untimely Motion To Amend (DE 19) will be denied and this case will be dismissed without prejudice.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED as follows:

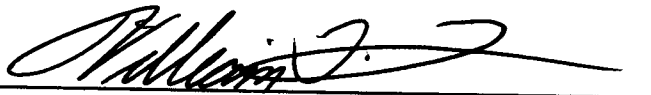
1. The Report Of Magistrate Judge (DE 18) filed herein by United States Magistrate Judge Patrick A. White be and the same is hereby approved, adopted and ratified by the Court;

2. Plaintiff David Damien Jones's Motion For Leave To File An Amended Complaint (DE 19) be and the same is hereby **DENIED**;

3. The above-styled cause be and the same is hereby **DISMISSED** without prejudice for Plaintiff's failure to prosecute the same; and

4. To the extent not otherwise disposed of herein, all pending motions are hereby **DENIED** as moot.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 31st day of March, 2010.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

The Honorable Patrick A. White
United States Magistrate Judge

David Damien Jones, PRO SE
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