

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**Case No. 22-cv-61565-BLOOM/Otazo-Reyes**

JUNIOR GALETTE,

Plaintiff,

v.

ROGER GOODELL, *et al.*,

Defendants.

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**ORDER DISMISSING ANENDED COMPLAINT**

**THIS CAUSE** is before the Court upon Plaintiff Junior Galette's Amended Complaint, ECF No. [49] and Galette's "Affidavit Motion to Be Heard," ECF No. [50], both of which were filed on January 17, 2023. Upon a *sua sponte* review of the Amended Complaint, the Court finds that dismissal is warranted.

On December 29, 2022, in its Order on Motions to Dismiss, the Court dismissed Galette's original Complaint. ECF No. [48] ("Order"). The Court granted Galette leave to amend Counts I and II, but the Court explicitly ordered Galette to omit from his Amended Complaint Count III, because that Count was dismissed with prejudice. *Id.*

Upon review of Galette's Amended Complaint, the Court finds that Galette has failed to comply with the Court's Order because he has realleged Count III. ECF No. [49] at 7. Federal Rule of Civil Procedure 41(b) "authorizes a district court to dismiss a complaint for failure to prosecute or failure to comply with a court order or the federal rules." *Gratton v. Great Am. Comms.*, 178 F.3d 1373, 1374 (11th Cir. 1999).

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. Galette's Amended Complaint, **ECF No. [48]**, is **DISMISSED**;

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2. Galette has leave to file a Second Amended Complaint **no later than January 27, 2023** that complies with the Court's Order, ECF No. [48];
3. Galette is advised that failure to file a Second Amended Complaint in compliance with the Court's Order will result in dismissal of this case without further notice;
4. Galette's Affidavit Motion to Be Heard, ECF No. [50], is **DENIED AS MOOT**.

**DONE AND ORDERED** in Chambers at Miami, Florida, on January 17, 2023.

A handwritten signature in black ink, appearing to be 'JB' or similar, written in a cursive style.

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**BETH BLOOM**  
**UNITED STATES DISTRICT JUDGE**

Copies to:

Counsel of Record

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