

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

KEY WEST DIVISION

CASE NO. 4:20-cv-10091-JLK

DAVID JAMES LOLA,

Plaintiff,

v.

MIAMI HERALD, INC., et al.,

Defendants.

**ORDER AFFIRMING MAGISTRATE'S
REPORT AND RECOMMENDATION AND
DISMISSING PLAINTIFF'S AMENDED COMPLAINT**

THIS CAUSE comes before the Court upon the October 13, 2020 Report and Recommendation (“R&R”) of Magistrate Judge Lisette M. Reid (DE 12), recommending that Plaintiff’s Complaint (DE 1) be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute and for failure to comply with court orders.

The record reflects that Plaintiff was afforded multiple opportunities to amend his complaint to comply with the local rules. (*See* DE 3, 5, 9). However, instead of amending his complaint as Judge Reid so ordered (*see* DE 5,9), Plaintiff appealed these orders to the district court for review. (*See* DE 6,11). Plaintiff ultimately filed an Amended Complaint “under protest” (Am. Compl. ¶1, DE 13), yet Plaintiff still failed to comply with the local rules and Judge Reid’s instructions.

Accordingly, it is **ORDERED, ADJUDGED, and DECREED** that:

1. Magistrate Judge Lisette M. Reid’s October 13, 2020 Report and Recommendation (**DE**

- 12)** be, and the same is, hereby **AFFIRMED and ADOPTED** as an Order of this Court;
2. Plaintiff's Amended Complaint (**DE 13**) is hereby **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Procedure 41(b) for failure to comply with court orders. Plaintiff may file a new case under a new case assignment, if he so desires;
 3. All pending motions are hereby **DENIED as moot**; and
 4. The Clerk of Court shall **CLOSE** this case.

DONE AND ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 16th day of October, 2020.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE

cc: All Counsel of Record