

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

SHANNON OMAR PETERSON,

Plaintiff,

vs.

Case No. 5:05cv240-RH/WCS

JOHN DOE, et al.,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff, proceeding *pro se*, submitted a civil rights complaint to this Court on November 17, 2005. Doc. 1. Plaintiff did not pay the filing fee or submit an *in forma pauperis* motion. By court order entered on November 22, 2005, Plaintiff was ordered to either pay the filing fee by December 22, 2005, submit an *in forma pauperis* motion, or file a notice of voluntary dismissal. Doc. 3. The mail was returned to the Court as undeliverable. Doc. 4. The order was then re-mailed to Plaintiff to an address provided on the return envelope rather than the address on the complaint. Doc. 5. The mail was again returned to the Court as undeliverable. Doc. 6.

The only address provided by Plaintiff on the complaint form is an address at Gulf Correctional Institution. Doc. 1. However, Plaintiff listed his inmate number, noted

"Gulf C.I. Main Unit" in the space for prison or jail, and then listed an address in Opa-Locka, Florida, "care of" Ronique Johnson. Doc. 1, p. 2. The addresses for Defendants are at Gulf Correctional Institution in Wewahitchka, Florida. Judicial notice is taken that Gulf Correctional Institution is not in Opa Locka, Florida.

The Department of Corrections' website indicates that Plaintiff was released from prison to supervised release on June 6, 2004. (See www.dc.state.fl.us). It is unknown why if Plaintiff was released in June of 2004, that he waited until November of 2005 to file a civil rights lawsuit, but Plaintiff improperly gave an address that is not his address and the Court has been unable to get court orders to Plaintiff. This case cannot proceed under these circumstances. It is recommended that this case be dismissed for Plaintiff's failure to pay the filing fee.

In light of the foregoing, it is respectfully **RECOMMENDED** that Plaintiff's complaint, doc. 1, be **DISMISSED** without prejudice for failure to pay the filing fee.

IN CHAMBERS at Tallahassee, Florida, on December 28, 2005.

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

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.