

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MATTHEW PAUL MORRIS,

Plaintiff,

v.

Case No: 8:21-cv-2088-CEH-JSS

BUREAU OF ALCOHOL TOBACCO
AND FIREARMS and UNITED
STATES MARSHAL SERVICE,

Defendants.

_____ /

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Miscellaneous Relief ("Motion"). (Dkt. 1.) Upon consideration, Plaintiff's Motion is denied without prejudice.

In the Motion, Plaintiff attempts to assert a claim under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and seeks entry of a court order requiring Defendants to comply with his request for information under FOIA. (Dkt. 1.) At this time, Plaintiff's Motion is premature. Pursuant to § 552(a)(4)(B), this court may have jurisdiction to order the production of records or enjoin the withholding of records, but only upon the filing of a complaint setting forth a claim under the statute. 5 U.S.C. § 552(a)(4)(B) ("On complaint, the district court of the United States in the district in which the complainant resides, or has his principal place of business, or in which the agency records are situated, or in the District of Columbia, has jurisdiction

to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.”). Plaintiff must file a complaint that includes a short and plain statement of the grounds for the court’s jurisdiction, a short and plain statement of the claim showing that the pleader is entitled to relief, and a demand for the relief sought. Fed. R. Civ. P. 8(a). Finally, Plaintiff must pay a filing fee or seek leave to proceed with his action *in forma pauperis*. See 28 U.S.C. § 1915.

Accordingly, it is **ORDERED**:

1. Plaintiff’s Motion for Miscellaneous Relief is **DENIED** without prejudice.
2. Withing sixty (60) days of the date of this order, Plaintiff shall (1) pay the Court’s filing fee or file a completed Application to Proceed *in Forma Pauperis* and (2) file a complaint seeking the relief requested to proceed with this matter.
3. The Clerk shall mail Plaintiff an Application to Proceed *in Forma Pauperis* and any related forms along with a copy of this order.

DONE and **ORDERED** in Tampa, Florida, on January 19, 2022.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Party