

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 Production of Records ("Motion"). (Dkt. 3.) 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. 3.) At this time, Plaintiff's Motion is premature. The court previously denied a similar motion (Dkt. 1) and directed Plaintiff to file a complaint and pay the filing fee or a file a completed Application to proceed *in Forma Pauperis*. (Dkt. 2.)

Plaintiff paid \$5.00 towards a filing fee on March 2, 2022 and subsequently filed the instant Motion. However, \$5 is the filing fee for a petition of habeas corpus, not

for commencing a civil action. *See* United States District Court, Middle District of Florida: Fees, *available at* <https://www.flmd.uscourts.gov/fees-table>.

Upon review of the Motion, the undersigned finds that the Motion is intended to serve as complaint pursuant to 5 U.S.C. § 552(a)(4)(B). *See Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998) (noting that *pro se* filings must be liberally construed). The undersigned draws no conclusion about the sufficiency of the allegations in the Complaint or the merits of Plaintiff's claims. However, the undersigned directs the Clerk to docket the Motion as Plaintiff's Complaint.¹

Accordingly, it is **ORDERED**:

1. Plaintiff's Motion for Production of Records (Dkt. 3) is **DENIED** without prejudice.
2. Withing sixty (60) days of the date of this order, Plaintiff shall (1) pay the remaining \$397 of the civil action filing fee or file a completed Application to Proceed *in Forma Pauperis*.
3. The Clerk shall mail Plaintiff an Application to Proceed *in Forma Pauperis* and any related forms along with a copy of this order.

¹ Plaintiff is encouraged to consult the "Litigants Without Lawyers" guidelines on the court's website, located at <http://www.flmd.uscourts.gov/litigants-without-lawyers>.

4. If Plaintiff fails to pay the remaining portion of the filing fee or file a completed Application to Proceed in *Forma Pauperis* as directed, the Clerk shall return the \$5 portion of the fee already paid to Plaintiff.

DONE and ORDERED in Tampa, Florida, on March 31, 2022.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Party