

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

JASON C. TUREM

Plaintiff,

v.

CASE NO. 3:23-cv-349-MMH-JBT

U.S. SOCIAL SECURITY
ADMINISTRATION, et al.,

Defendants.

_____ /

ORDER

THIS CAUSE is before the Court *sua sponte*, i.e., on its own motion. A review of the docket reveals that Plaintiff filed a “Notice of Intent to Initiate Litigation for Freedom of Information Act Violations.” (“Notice”) (Doc. 1). For the reasons stated herein, the Notice will be **STRICKEN without prejudice** to Plaintiff filing a complaint at an appropriate time in a new case.¹ The Clerk of Court will be directed to terminate any pending motions and close the file.

Plaintiff states that he filed the Notice as a “common courtesy” to the prospective defendants “before just simply filing suit.” (Doc. 1 at 3.) However, Federal Rule of Civil Procedure 3 states that “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Plaintiff has not filed a complaint.

¹ The Court is not at this time ruling on whether such a complaint would state a claim or whether an accompanying motion to proceed *in forma pauperis* would be granted.

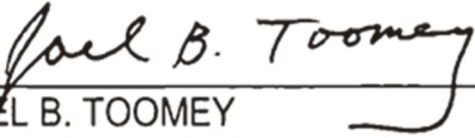
Moreover, it is clear from the Notice that Plaintiff did not intend to file a lawsuit at this time. Therefore, no civil action has been commenced.

Further, Federal Rule of Civil Procedure 7(a) states: "Only these pleadings are allowed: (1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third-party complaint; and (7) if the court orders one, a reply to an answer." Fed. R. Civ. P. 7(a). The Notice is none of these things. Therefore, it is due to be stricken.

Accordingly, it is **ORDERED**:

1. The Notice (**Doc. 1**) is **STRICKEN without prejudice** to Plaintiff filing a complaint at an appropriate time in a new case.
2. The Clerk of Court is directed to terminate any pending motions and close the file.

DONE AND ORDERED in Jacksonville, Florida, on May 26, 2023.



JOEL B. TOOMEY
United States Magistrate Judge

Copies to:

Pro se Plaintiff