UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

DENNIS HUNT,

        Plaintiff,

v.   **Case No. 8:07-cv-1168-T-30TBM**

HILLSBOROUGH COUNTY, et al.,[1]

        Defendants.

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O R D E R

THIS MATTER is before the court on *pro se* Plaintiff's **Affidavit of Indigency**

which the court construes as a motion to proceed *in forma pauperis* (Doc. 42). By way of

pertinent procedural history, this action was initiated by the filing of an eight-count, 72-page

Complaint against Hillsborough County, officials of the Tampa Police Department in their

official and individual capacities, the City of Tampa, the James J. Lunsford Law Library, and

various individuals associated with the library whom Plaintiff alleges violated his civil rights

arising from his arrest for trespassing at the James J. Lunsford Law Library on July 5, 2003.

(Doc. 1). At the time of filing his initial Complaint, Plaintiff submitted an application to

proceed *in forma pauperis* (Doc. 2) which was denied without prejudice. *See* (Docs. 7, 8).

Although Plaintiff's initial affidavit supporting his motion to proceed *in forma pauperis*

reflected that Plaintiff was unable to pay the filing fee, his Complaint failed to comply with

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[1]Hillsborough County is no longer a Defendant in the case. The Defendants sued in
the Amended Complaint are the Law Library Board, Norma J. Wise, and David L. Pilver. *See*
(Doc. 9).

the requirements of Fed. R. Civ. P. 8(a)(2) which provides that a complaint "shall contain ... a short and plain statement of the claim showing that the pleader is entitled to relief." Thus, the court found that the Defendants would be unable to meaningfully respond to the allegations.[2] Accordingly, Plaintiff's Complaint was dismissed, and he was afforded the opportunity to amend his complaint to comply with Rule 8. (Doc. 8).

Through counsel and apparently without the payment of a filing fee, Plaintiff filed an Amended Complaint in which he sued the Law Library Board, a Board created by Hillsborough County, Florida; Norma J. Wise, individually and in her official capacity as the Director of the James J. Lunsford Law Library; and David L. Pilver, individually. (Doc. 9). The Amended Complaint alleges violations arising under 42 U.S.C. § 1983 of Plaintiff's First and Fourteenth Amendment rights to freedom of speech, liberty, to associate with others, and to peaceably assemble. *See id.* Defendants Pilver and Wise filed a joint motion to dismiss the Plaintiff's Amended Complaint which was denied by this court. *See* (Docs. 12, 21). The Law Library Board filed its answer and defenses to the Amended Complaint on April 28, 2008. (Doc. 16). The Pilver and Wise Defendants filed their answer on December 11, 2008. (Doc. 24). Thereafter, it appears that some discovery was conducted in the form of depositions, and several of the Defendants filed dispositive motions. *See* (Docs. 28-32, 40).

Counsel for Plaintiff filed a motion to withdraw on February 6, 2009. (Doc. 33). In its Order granting counsel's motion to withdraw, the court stayed the action for thirty days to
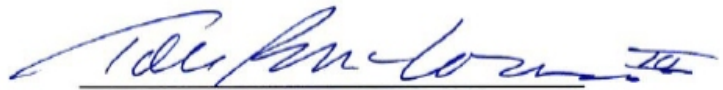
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[2]As noted in the report and recommendation, the Complaint cited several constitutional provisions in a "shotgun" approach and is replete with repetitious factual allegations and redundant verbiage and thus fails to comply with the "simple, concise, and direct" language requirement of Fed. R. Civ. P. 8(e)(1). (Doc. 7, n.2).

allow Plaintiff to obtain new counsel or notify the court of his intent to proceed *pro se*. (Doc. 34). On March 25, 2009, Plaintiff filed the instant affidavit of indigency.

Upon review and consideration, Plaintiff's Affidavit of Indigency (Doc. 42) suggests that he is indigent and should be allowed to proceed without paying the usual filing fee for civil actions.

Accordingly, Plaintiff's affidavit of indigency which the court construes as a motion to proceed *in forma pauperis* (Doc. 42) is hereby **GRANTED** *nunc pro tunc*.

Done and Ordered at Tampa, Florida, this 15th day of April 2009.

THOMAS B. McCOUN III
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Pro se Plaintiff