

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, FORT MYERS DIVISION

**Rogelio Bolufe Izquierdo, Juan Rivero, Daniel Fundora, Yudier
Carreno, Yaidel Carrazana, Ruben Aureoles Gonzalez, Byron
Sanchez Ibarra v. Alligator Alcatraz, Facility Officers**

No. 2:25-cv-1081-KCD-NPM, United States District Court for the Middle District of Florida, Fort Myers
Division (November 25, 2025)

SUMMARY

The United States District Court for the Middle District of Florida dismissed the plaintiffs’ action without prejudice because they had neither paid the filing fee nor moved to proceed without prepayment of costs. The court directed the Clerk to deny pending motions as moot, terminate deadlines, and close the case.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Fort Myers Division
WRITING FOR THE COURT	Kyle C. Dudek
JURISDICTION	United States District Court for the Middle District of Florida
DECIDED	November 25, 2025
DOCKET	2:25-cv-1081-KCD-NPM
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed plaintiffs' complaint without prejudice because plaintiffs neither paid the filing fee nor moved to proceed in forma pauperis.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown and not designated for publication.
PARTIES	Rogelio Bolufe Izquierdo, Juan Rivero, Daniel Fundora, Yudier Carreno, Yaidel Carrazana, Ruben Aureoles Gonzalez, Byron Sanchez Ibarra v. Alligator Alcatraz, Facility Officers

TOPICS

- costs
- civil procedure

PRACTICE AREAS

civil procedure

federal courts

QUESTIONS PRESENTED

1. Whether the court should dismiss the action without prejudice when noncustodial plaintiffs neither pay the filing fee nor move to proceed in forma pauperis.

HOLDINGS

1. A noncustodial plaintiff's action may be dismissed without prejudice when the plaintiff neither pays the filing fee nor moves to proceed in forma pauperis.

KEY QUOTATIONS

“The Court thus dismisses this action without prejudice.”

FACTUAL BACKGROUND

The plaintiffs, who were not in custody, filed a complaint in the Middle District of Florida. They had not paid the required filing fee and had not submitted a motion or affidavit seeking leave to proceed without prepayment of costs.

PROCEDURAL HISTORY

Plaintiffs initiated a civil action by filing a document titled "Formal Declaration and Complaint to Innovation Law Lab." The court found that the noncustodial plaintiffs had not paid the filing fee or sought leave to proceed without prepayment of costs, dismissed the action without prejudice, denied pending motions as moot, terminated deadlines, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Myers v. City of Naples, Fla., No. 2383-13073, 2024 WL 4691100, at *2 (11th Cir. Nov. 6, 2024)

OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA FORT MYERS DIVISION ROGELIO BOLUFE IZQUIERDO, JUAN RIVERO, DANIEL Case No. 2:25-cv-1081-KCD-NPM FUNDORA, YUDIER CARRENO, YAIDEL CARRAZANA, RUBEN AUREOLES GONZALEZ, BYRON SANCHEZ IBARRA, Plaintiffs, v. ALLIGATOR ALCATRAZ, FACILITY OFFICERS, Defendants. / ORDER Before the Court is Plaintiffs' "Formal Declaration and Complaint to Innovation Law Lab." (Doc.

1.) Plaintiffs (who are not in custody) have yet to pay the filing fee or move to proceed without prepayment of costs. See 28 U.S.C. § 1915 (allowing a litigant to commence a civil action without prepayment of the filing fee if the litigant submits an affidavit showing they are unable to pay).

The Court thus dismisses this action without prejudice. See 28 U.S.C. § 1914(c) (“Each district court by rule or standing order may require advance payment of fees.”); Local Rule 1.05(c) (“The clerk must accept an initial paper from a person in custody even if no filing fee or motion for leave to proceed in forma pauperis accompanies the paper.” (emphasis added)); *Myers v. City of Naples, Fla.*, No. 2383-13073, 2024 WL 4691100, at *2 (11th Cir.

Nov. 6, 2024) (affirming the dismissal of an unrepresented, non-prisoner litigant’s complaint for failure to contemporaneously pay the filing fee or move in forma pauperis). Accordingly, it is now ORDERED: 1. This case is DISMISSED without prejudice. 2.

The Clerk is DIRECTED to deny any pending motions as moot, terminate any deadlines, and close the case. ENTERED in Fort Myers, Florida on November 25, 2025. Kyle C. Dudek ae a United States District Judge