

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

**Shlomo I. Ovadiah v. United States Securities and Exchange
Commission and Gary Gensler**

Ovadiah · No. 25-cv-25315-JB/DSW · Decided March 24, 2026

OPINION

Ovadiah

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No.: 25-cv-25315-JB/DSW

SHLOMO I. OVADIAH,

Plaintiff, v.

UNITED STATES SECURITIES AND
EXCHANGE COMMISSION and GARY
GENSLER

Defendants.

REPORT AND RECOMMENDATION

TO DISMISS CASE WITHOUT PREJUDICE

THIS CAUSE is before the Court on a sua sponte review of the record. This case has been assigned to the Honorable Jacqueline Becerra, and the undersigned is assigned to the case in accordance with Administrative Order 2025-11. [ECF Nos. 2, 10]. Upon thorough and careful review of the record, the undersigned respectfully recommends that this case be DISMISSED WITHOUT PREJUDICE for the reasons outlined below. On November 14, 2025, pro se Plaintiff Shlomo I. Ovadiah (“Plaintiff”) filed a Complaint against Defendants United States Securities and Exchange Commission and Gary Gensler (collectively, “Defendants”). [ECF No. 1]. Contemporaneously, Plaintiff filed a Motion for Leave to Pay Filing Fee in Installments or in the Alternative, to Defer Payment. [ECF No. 3]. The Court denied Plaintiff’s motion “because Plaintiff failed to provide any information concerning his financial status,” but granted Plaintiff leave to either (1) refile a motion seeking the same relief that included information regarding his financial status, or (2) file an Application to Proceed In Forma Pauperis (long form) for the court’s consideration. [ECF No. 7]. On February 12, 2026, the Court entered a sua sponte order to show cause, ordering Plaintiff to either (1) pay the filing fee, (2) file an Application to Proceed In Forma Pauperis (long form), or (3) re-file a motion for leave to pay filing fee in installments or in the alternative, to defer payment by February 26, 2026. [ECF

No. 8]. However, to date, Plaintiff has not paid the filing fee, has not filed a renewed Motion for Leave to Pay Filing Fee in Installments, and has not filed an Application to Proceed In Forma Pauperis (long form). When a plaintiff fails to comply with the Court's orders to pay the filing fee, or as in this case when the Court gave Plaintiff the opportunity to demonstrate his indigency, "[f]ederal courts possess an inherent power to dismiss a complaint for failure to comply with a court order." *Acosta v. Soc. Sec. Admin.*, No. 25-CV-23879, 2025 WL 3897565, at *2 (S.D. Fla. Dec. 16, 2025), report and recommendation adopted, No. 25-23879-CIV, 2026 WL 36458 (S.D. Fla. Jan. 6, 2026); accord *Foudy v. Indian River Cnty. Sheriff's Off.*, 845 F.3d 1117, 1126 (11th Cir. 2017). "The goal of this sanction is 'to prevent undue delays in the disposition of pending cases and to avoid congestion in the' court's calendar so that the court can "achieve the orderly and expeditious disposition of cases." *Acosta*, 2025 WL 3897565, at *2. The Court has already given Plaintiff the opportunity to pay the filing fee, file a motion to proceed in forma pauperis, or refile its motion to pay the filing fee in installments by February 26, 2026 and has warned Plaintiff that failure to do so may result in dismissal. See [ECF Nos. 7, 8]. Plaintiff has still failed to comply with the Orders and his failure to comply has caused delay in this case. For these reasons, the undersigned hereby RECOMMENDS that the Court exercise its inherent power to DISMISS this case without prejudice. Within fourteen (14) days after being served with a copy of this Report and Recommendation, any party may serve and file written objections to any of the above findings and recommendations as provided by the Local Rules for this district. 28 U.S.C. § 636(b) (1). Any response shall be filed within seven (7) days of the objections. The parties are hereby notified that a failure to timely object waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions contained in this Report and Recommendation. 11th Cir. R. 3-1 (2016); see *Thomas v. Arn*, 474 U.S. 140 (1985). DONE AND ORDERED in Fort Lauderdale, Florida, this 24th day of March, 2026.

DETRA SHAW-WILDER

UNITED STATES MAGISTRATE JUDGE

ce: All Counsel of Record Shlomo I. Ovadia, Pro Se 330 5th Avenue SW, Suite 1800 Calgary, Alberta T2P 0J4 Canada