

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF  
FLORIDA, OCALA DIVISION

Nicole Campbell v. Remington’s Prime Ocala, LLC

Campbell · No. 5:25-cv-739-KCD-PRL · Decided November 21, 2025

SUMMARY

The United States District Court for the Middle District of Florida took Plaintiff Nicole Campbell’s motion to proceed in forma pauperis under advisement. The court gave Campbell until December 22, 2025, to file an amended complaint attaching an EEOC right-to-sue letter and an amended in forma pauperis application using the required form, warning that failure to comply could result in dismissal for failure to prosecute.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Middle District of Florida, Ocala Division                                                                                                                                                                                                                                                                                                  |
| WRITING FOR THE COURT | Philip R. Lammens                                                                                                                                                                                                                                                                                                                                                                |
| JURISDICTION          | United States District Court for the Middle District of Florida, Ocala Division                                                                                                                                                                                                                                                                                                  |
| DECIDED               | November 21, 2025                                                                                                                                                                                                                                                                                                                                                                |
| DOCKET                | 5:25-cv-739-KCD-PRL                                                                                                                                                                                                                                                                                                                                                              |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                            |
| PROCEDURAL POSTURE    | Plaintiff filed claims under 42 U.S.C. § 1981 and Title VII and moved to proceed in forma pauperis. The court took the in forma pauperis motion under advisement and ordered Plaintiff to file an amended complaint and amended in forma pauperis motion.                                                                                                                        |
| STANDARD OF REVIEW    | Under 28 U.S.C. § 1915(e)(2), the court must screen an in forma pauperis complaint and dismiss it sua sponte if it is frivolous, malicious, fails to state a claim, or seeks relief from an immune defendant. Under Rule 8(a)(2) and the plausibility standard, well-pleaded factual allegations are accepted as true, but conclusory allegations and legal conclusions are not. |
| PRECEDENTIAL VALUE    | Unknown; district court order addressing screening and leave to amend.                                                                                                                                                                                                                                                                                                           |
|                       |                                                                                                                                                                                                                                                                                                                                                                                  |

## PARTIES

Nicole Campbell v. Remington's Prime Ocala, LLC

## TOPICS

pleadings

title vii

employment discrimination

civil procedure

## PRACTICE AREAS

civil procedure

employment law

civil rights

## QUESTIONS PRESENTED

1. Whether Plaintiff's motion to proceed in forma pauperis was sufficiently complete to permit the court to determine indigency.
2. Whether the complaint adequately established exhaustion of Title VII administrative remedies, including receipt of an EEOC right-to-sue letter, before filing suit.
3. Whether Plaintiff should be allowed to amend the complaint and in forma pauperis motion rather than face immediate dismissal.

## HOLDINGS

1. The motion was deficient because Plaintiff did not use the proper form and omitted information necessary for the court to determine whether she was indigent.
2. A Title VII plaintiff must exhaust administrative remedies, including filing a timely EEOC charge and receiving an EEOC right-to-sue letter before bringing suit; Plaintiff's complaint did not establish that exhaustion occurred.
3. The court would allow Plaintiff to file an amended complaint and amended in forma pauperis motion rather than immediately dismissing the action.

## KEY QUOTATIONS

*"A complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"* (Legal Standards)

*"To bring a viable claim in federal court under Title VII, a plaintiff must exhaust all administrative remedies."* (Discussion)

*"Plaintiff shall file an amended complaint and an amended motion to proceed in forma pauperis on or before December 22, 2025."* (Conclusion)

## FACTUAL BACKGROUND

Campbell alleged race discrimination by Remington's Prime Ocala, LLC under 42 U.S.C. § 1981 and Title VII. She sought permission to proceed in forma pauperis but did not use the required application form or provide sufficient information regarding indigency. Her complaint asserted that the action was timely but did not state that she had filed an EEOC charge or attach an EEOC right-to-sue letter.

## PROCEDURAL HISTORY

Nicole Campbell initiated an employment-discrimination action and submitted a motion to proceed without prepaying fees. The court found the motion deficient because it was not on the required form and found that the complaint did not establish exhaustion of Title VII administrative remedies. Rather than dismissing at that stage, the court granted an opportunity to amend by December 22, 2025.

## DISPOSITION

other

## REMAND INSTRUCTIONS

No remand. Plaintiff was ordered to file an amended complaint attaching the EEOC right-to-sue letter and an amended motion to proceed in forma pauperis using the required long form by December 22, 2025.

## CASES CITED

- *Nietzke v. Williams*, 490 U.S. 319, 324 (1989)
- *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555, 556, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Oxford Asset Management, Ltd. v. Jaharis*, 297 F.3d 1182, 1188 (11th Cir. 2002)
- *Wilkerson v. Grinnell Corp.*, 270 F.3d 1314, 1317 (11th Cir. 2001)
- *Watson v. Blue Circle, Inc.*, 324 F.3d 1252, 1258 (11th Cir. 2003)
- *Vason v. City of Montgomery, Ala.*, 240 F.3d 907 (11th Cir. 2001)
- *Gregory v. Georgia Department of Human Resources*, 355 F.3d 1277, 1279 (11th Cir. 2004) (per curiam)
- *Stallworth v. Wells Fargo Armored Services Corp.*, 936 F.2d 522, 524 (11th Cir. 1991)
- *Bright v. Contractors Access Equipment Co.*, No. 8:24-cv-2107-WFJ-LSG, 2024 WL 5203041, at \*2 (M.D. Fla. Dec. 6, 2024), report and recommendation adopted, 2024 WL 5202779 (M.D. Fla. Dec. 23, 2024)
- *Bigglest v. Mayor & Alderman of City of Savannah*, No. CV412-240, 2012 WL 5200107, at \*1 (S.D. Ga. Oct. 22, 2012), report and recommendation adopted, 2012 WL 5845349 (S.D. Ga. Nov. 19, 2012)
- *Forehand v. Florida State Hospital at Chattahoochee*, 89 F.3d 1562, 1569-70 (11th Cir. 1996)

## OPINION

UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF FLORIDA OCALA DIVISION  
NICOLE CAMPBELL, Plaintiff, v. Case No: 5:25-cv-739-KCD-PRL REMINGTON’S PRIME  
OCALA, LLC, Defendant. ORDER Plaintiff Nicole Campbell filed this action against Defendant Remington’s Prime Ocala, LLC, alleging claims of race discrimination under 42 U.S.C. § 1981 and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. (“Title VII”).

(Doc. 1). Plaintiff seeks to proceed in forma pauperis. (Doc. 2). For the reasons explained below, Plaintiff’s motion to proceed in forma pauperis is taken under advisement, and in an abundance of

caution, Plaintiff will be given an opportunity to amend the complaint and the motion.

I. LEGAL STANDARDS Pursuant to 28 U.S.C. § 1915, the Court may, upon a finding of indigency, authorize the commencement of an action without requiring the prepayment of fees or security therefor. See 28 U.S.C. § 1915(a)(1); *Nietzke v. Williams*, 490 U.S. 319, 324 (1989) (stating that under 28 U.S.C. § 1915, a litigant may commence a civil action in federal court “by filing in good faith an affidavit stating... that [s]he is unable to pay the costs of the lawsuit”).

However, before a plaintiff is permitted to proceed in forma pauperis, the Court is obligated to review the complaint to determine whether it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. See 28 U.S.C. § 1915(e)(2). If the complaint is deficient, the Court is required to dismiss the suit sua sponte.

See *id.* Federal Rule of Civil Procedure 8(a)(2) requires a pleading to contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” See Fed. R. Civ. P. 8(a)(2). A complaint must contain sufficient factual matter, accepted as true, to “state a claim to relief that is plausible on its face.” See *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the alleged misconduct.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Twombly*, 550 U.S. at 556).

While this pleading standard “does not require ‘detailed factual allegations,’... it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation.” See *id.* (quoting *Twombly*, 550 U.S. at 555). As such, the complaint must “give the defendant fair notice of what the claim is and the grounds upon which it rests” and must provide “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action[.]” See *Twombly*, 550 U.S. at 555 (citations omitted).

Although a court must accept as true well-pleaded allegations, it is not bound to accept a legal conclusion stated as a “factual allegation” in the complaint. See *id.*; *Oxford Asset Mgmt., Ltd. v. Jaharis*, 297 F.3d 1182, 1188 (11th Cir. 2002) (explaining that “conclusory allegations, unwarranted deductions of facts or legal conclusions masquerading as facts will not prevent dismissal”) (citations omitted).

II. DISCUSSION As an initial matter, Plaintiff’s motion (Doc. 2) is deficient because she did not use the proper form. Consequently, the motion lacks the requisite information and detail to determine if she is indigent, as she did not answer several pertinent questions or provide an explanation for her inability to do so.

The Court will allow Plaintiff to file an amended motion to proceed in forma pauperis so that she can provide the Court with sufficient information to determine if she is indigent. As such, Plaintiff

must complete the “Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form)” from the Court’s website (<https://www.uscourts.gov/forms/fee-waiver-application-forms/application-proceed-district-court-without-prepaying-fees-or>).

To bring a viable claim in federal court under Title VII, a plaintiff must exhaust all administrative remedies. See *Wilkerson v. Grinnell Corp.*, 270 F.3d 1314, 1317 (11th Cir. 2001) (citation omitted). First, a plaintiff must file a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) within 180 days of the alleged discriminatory act or acts.

See 42 U.S.C. § 2000e-5(e)(1); *Watson v. Blue Circle, Inc.*, 324 F.3d 1252, 1258 (11th Cir. 2003); see also *Vason v. City of Montgomery, Ala.*, 240 F.3d 907 (11th Cir. 2001) (holding that the EEOC charge must be made under oath or affirmation); *Gregory v. Georgia Dep’t of Hum. Res.*, 355 F.3d 1277, 1279 (11th Cir. 2004) (per curiam) (“The purpose of this exhaustion requirement is that the EEOC should have the first opportunity to investigate the alleged discriminatory practices to permit it to perform its role in obtaining voluntary compliance and promoting conciliation efforts.”) (citations and internal quotation marks omitted).

Second, upon receiving a right-to-sue letter from the EEOC upon the termination of their investigation, the plaintiff may bring a civil action against the named respondent within 90 days by filing a complaint. See 42 U.S.C. § 2000e-5(f)(1); *Stallworth v. Wells Fargo Armored Servs. Corp.*, 936 F.2d 522, 524 (11th Cir. 1991).

Although Plaintiff contends that “[t]his action is filed timely” (Doc. 1 at ¶ 28), her complaint does not state or provide any supporting documentation, such as an EEOC right- to-sue letter, establishing that she exhausted all her administrative remedies prior to filing suit. See *Bright v. Contractors Access Equip. Co.*, No. 8:24-cv-2107-WFJ-LSG, 2024 WL 5203041, at \*2 (M.D.

Fla. Dec. 6, 2024), report and recommendation adopted, 2024 WL 5202779 (M.D. Fla. Dec. 23, 2024) (stating that the “Notice of the Right to Sue” letter from the EEOC “establishes that [plaintiff] exhausted his administrative remedy before suing and that this action is timely”) (citations omitted); *Bigglest v. Mayor & Alderman of City of Savannah*, No. CV412-240, 2012 WL 5200107, at \*1 (S.D.

Ga. Oct. 22, 2012), report and recommendation adopted, 2012 WL 5845349 (S.D. Ga. Nov. 19, 2012) (determining that plaintiff “failed to furnish an EEOC right-to-sue letter, which is a statutory precondition to suit”) (citing *Forehand v. Fla. State Hosp. at Chattahoochee*, 89 F.3d 1562, 169-70 (11th Cir. 1996)).

As such, Plaintiff must attach the EEOC right-to-sue letter to her amended complaint so the Court can confirm that Plaintiff exhausted her administrative remedies before filing the complaint and that this action is not time-barred. II. CONCLUSION Accordingly, Plaintiffs Motion to Proceed in

Forma Pauperis (Doc. 2) is TAKEN UNDER ADVISEMENT. Plaintiff shall file an amended complaint and an amended motion to proceed in forma pauperis on or before December 22, 2025.'

Failure to comply with this Order may result in a recommendation that this action be dismissed for failure to prosecute. DONE and ORDERED in Ocala, Florida on November 21, 2025. □ aa PHILIP R. LAMMENS United States Magistrate Judge Copies furnished to: Counsel of Record Unrepresented Parties ' To proceed in forma pauperis, Plaintiff's complaint must state a viable cause of action that satisfies the screening process of 28 U.S.C. § 1915(e)(2)(B).

However, Plaintiff may pay the filing fee and conduct proper service of process if she wishes to proceed under the complaint.