

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.                                                                                                                                                                                                                                                                                                           |
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## 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)