UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DIEGO VELASQUEZ	:	
	:	
v.	:	C.A. No. 22-00073-WES
	:	
ANGELA MENDEZ FLORES, et al.	:	

REPORT AND RECOMMENDATION

Lincoln D. Almond, United States Magistrate Judge

On February 15, 2022, Plaintiff filed his Complaint against Angela Mendez Flores, Senior Paralegal Specialist; and Elliot Viker, Acting Director, FOIA Operations (ECF No. 1) along with an Application to Proceed In Forma Pauperis ("IFP") (ECF No. 2) pursuant to 28 U.S.C. § 1915 without being required to prepay costs or fees, including the $402.00 civil case filing fee. The Court issued a Memorandum and Order on March 30, 2022, informing Plaintiff that he improperly named two individuals as Defendants in this case because there is no "cause of action for a suit against an individual employee of a federal agency" under FOIA. Petrus v. Bowen, 833 F.2d 581, 582 (5th Cir. 1987). (See ECF No. 4). Plaintiff was granted leave to file an amended complaint naming the "proper federal agency" as defendant and was warned that failure to comply may result in the recommendation of dismissal of this action. See id.

Plaintiff did not file an amended complaint as ordered or otherwise respond to the Order. Instead, he filed a baseless interlocutory appeal with the First Circuit. In deference to the pending interlocutory appeal, the Court did not recommend dismissal upon expiration of the thirty-day period outlined in the March 30, 2022 Court Order. On June 6, 2022, the Court of Appeals entered Judgment dismissing Plaintiff's appeal and, on June 7, 2022, the dismissal was docketed in this

case. (ECF No. 8). It is now nearly eight weeks past the Court's deadline. Accordingly, based on Plaintiff's failure to file an amended complaint as ordered, (ECF No. 4), I recommend that this matter be DISMISSED WITHOUT PREJUDICE.

Any objection to this Report and Recommendation must be specific and must be filed with the Clerk of the Court within fourteen days of its receipt. See Fed. R. Civ. P. 72(b); LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the District Court and the right to appeal the District Court's decision. See United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Lincoln D. Almond
LINCOLN D. ALMOND
United States Magistrate Judge
June 29, 2022