

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JAMES JOHNSON, #257 588,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 1:16-CV-710-WKW
	)	[WO]
RONALD HALL,	)	
	)	
Defendant.	)	

**ORDER**

On December 1, 2016, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 11.) Upon an independent review of the record and upon consideration of the Recommendation, it is ORDERED that the Recommendation is ADOPTED and that the complaint is DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 41(b).<sup>1</sup>

A final judgment will be entered separately.

DONE this 5th day of January, 2017.

\_\_\_\_\_  
/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Although the language of Rule 41(b) expressly contemplates only dismissals for which a defendant has moved, the Supreme Court has long held that courts may dismiss actions under Rule 41(b) *sua sponte*—*i.e.*, where, as here, no adverse party moves for dismissal. *See Link v. Wabash R. Co.*, 370 U.S. 626, 630–32 (1962) (interpreting Rule 41(b) to authorize *sua sponte* dismissals for failure to prosecute or to comply with the court’s order).