

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

JAMES M. BROADHEAD,	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 11-00167-CG-B
JOEL BROADHEAD,	:	
Defendant.	:	

ORDER

This matter is before the court on the Report and Recommendation of the Magistrate Judge, (Doc. 5), which recommends that the action be dismissed for failure to obey the court's orders and to prosecute the action.

Plaintiff originally filed this action on April 4, 2011, but failed to sign the Complaint under penalty of perjury. (Doc. 1). The Magistrate Judge entered an order directing the Clerk to return the Complaint to Plaintiff, and directing Plaintiff to sign and return the Complaint by May 6, 2011, and either pay the filing fee or file a motion to proceed without prepayment of fees by that date. (Doc. 2). Plaintiff filed the motion to proceed without prepayment of fees on May 13, 2011, but did not sign and return the complaint as directed. Therefore, on May 19, 2011, the court ordered Plaintiff to show cause, on or before June 10, 2011, why this action should not be dismissed for failure to prosecute and obey an Order of the court. (Doc. 4). Plaintiff did not respond to the May 19 Order, and the Report and Recommendation

therefore issued.

Any objection to the Report and Recommendation was due no later than July 14, 2011. No objection has been filed. However, on July 6, 2011, Plaintiff filed a motion for extension of time, asking for 60 days to respond to the court Order of “6 - 1-2011.” (Doc. 6). There is no such Order, and the motion for extension of time is therefore **DENIED**. In addition, on that same date, Plaintiff filed an “Amended Complaint” (Doc. 7). The “Amended Complaint” is still not signed by the Plaintiff under penalty of perjury.

Accordingly, after due and proper consideration of all portions of this file deemed relevant to the issues raised, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. §636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice for failure to prosecute and to obey the Court's Order.

DONE and ORDERED this 12th day of August, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE