

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

THOMAS H. WILLIAMS, SR.

PLAINTIFF

v.

CASE NO.: 07-2121

C.O. GORDON; THOMAS TRAVIS;
SHERIFF FRANK ATKINSON;
MIKE CONGER; ADMINISTRATOR
DEVEAN; C.O. SOSBEEB; JIM DOE,
Head of Maintenance; and BILL DOE,
#2 Maintenance

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

The undersigned propounded a questionnaire to the Plaintiff on January 26, 2010, to assist the Court in reviewing the Motion for Summary Judgment filed by the Defendants. (Doc. 37). The questionnaire was due to the court on or before February 15, 2010. This date has passed, and the questionnaire has not been returned to the Court, nor has any mail been returned to the Court as undeliverable.

Accordingly, it is the recommendation of the undersigned that the Complaint (Doc. 1) be DISMISSED for failure to follow a Court Order and for failure to prosecute.

The parties have fourteen days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 23rd day of February 2010.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE