

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

BOBBY JONES

PLAINTIFF

v.

Civil No. 08-2054

SHERIFF MIKE ALLEN;  
JAIL ADMINISTRATOR JEFF  
MARVIN; ASSISTANT JAIL  
ADMINISTRATOR LT. VENA CUPP;  
and NURSE NICK TAYLOR

DEFENDANTS

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Bobby Jones filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on June 4, 2008. His complaint was filed *in forma pauperis* (IFP).

Defendants filed a motion for summary judgment (Doc. 20). On June 22, 2009, the undersigned entered an order (Doc. 23) directing Jones to complete, sign and return an attached questionnaire that would serve as his response to the summary judgment motion.

The plaintiff's response to the questionnaire was to be returned by July 24, 2009. To date, the plaintiff has failed to respond to the questionnaire. The court's order and attached questionnaire have not been returned as undeliverable. The order was mailed to the same address as the court's prior orders. Plaintiff has not informed the court of any change in his address. Plaintiff has not sought an extension of time to respond to the questionnaire or otherwise communicated with the court.

I therefore recommend Jones' claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **The parties have ten 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 3rd day of August 2009.

*/s/ J. Marschewski*  
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HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE