

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

CARL EDWARD MYERS

PLAINTIFF

v.

Civil No. 09-2073

BRAUM'S DAIRY

DEFENDANT

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Carl Edward Myers submitted this *pro se* employment discrimination action for filing on July 10, 2009. Because more information was needed regarding Myers' claims, an order was entered that same day (Doc. 5) directing him to complete, sign, and return a questionnaire that would be filed as an addendum to his complaint.

Myers was given until August 10, 2009, to complete, sign, and return the completed addendum. Myers was advised that if he failed to complete, sign, and return the addendum the case would become subject to summary dismissal. To date, the addendum has not been filed. Myers has not sought an extension of time to file the addendum. He has not communicated with the court in anyway.

I therefore recommend that the complaint be dismissed on the grounds plaintiff has failed to prosecute this action and has failed to obey the order of this court. Fed. R. Civ. P. 41(b).

**Myers has fourteen (14) 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. Myers is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 7th day of December 2009.

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