

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

CARL EDWARD MYERS

PLAINTIFF

v.

Civil No. 09-2086

STATE OF ARKANSAS

DEFENDANT

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Carl Edward Myers submitted this *pro se* employment discrimination action for filing on July 13, 2009. Myers failed to submit with his complaint a complete application to proceed *in forma pauperis*. The second page of the application submitted was not completed and the application was not signed by Myers. The clerk was directed to provide Myers with an *in forma pauperis* application.

An order was entered (Doc. 3) giving Myers until August 11, 2009, to complete, sign, and return a complete application to proceed *in forma pauperis*. Myers was advised that if he failed to complete, sign, and return the *in forma pauperis* application the case would become subject to summary dismissal. To date, the *in forma pauperis* application has not been filed. Myers has not sought an extension of time to file the *in forma pauperis* application. 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