

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FAYETTEVILLE DIVISION

OZZIE JAY BOCK, JR.

PLAINTIFF

v.

Civil No. 07-5212

SHERIFF TIM HELDER;  
DEPUTY NOLAN AKE;  
and DEPUTY TRAVIS NICHOLS

DEFENDANTS

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

Ozzie Jay Bock, Jr., filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on November 19, 2007. His complaint was filed *in forma pauperis* (IFP).

Defendants filed a motion for summary judgment (Doc. 13). On August 12, 2008, the undersigned entered an order (Doc. 17) directing Bock 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 February 12, 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. Plaintiff has not otherwise communicated with the court.

I therefore recommend Bock's 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 20th day of February 2009.

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