Harris v. Benton County Sheriff's Office Doc. 27

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

ROBERT SCHUYLER HARRIS PLAINTIFF

v. Case No.: 08-5067

SHERIFF KEITH FERGUSON;
CAPT. HUNTER PETRAY;
DEPUTY REYES DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Now before the Court is the Motion to Dismiss (Doc. 25). Defendants filed a Motion for Summary Judgment on October 10, 2008 (Doc. 21), and on October 29, 2008 the Court issued an Order directing Plaintiff to respond to the Motion for Summary Judgment on or before December 1, 2008,via an attached response questionnaire. (Doc. 24).

Plaintiff did not return the response questionnaire or make any other response to the Motion for Summary Judgment. Moreover, Plaintiff has not responded to the Defendants' Motion to Dismiss in any way and no mail has been returned to the Court.

Accordingly, it is my recommendation the Motion to Dismiss (Doc. 25) be GRANTED and this case be dismissed pursuant to Rule 41 (b) of the Federal Rules of Civil Procedure for failure to prosecute and/or failure to follow an Order of the Court.

Plaintiff has ten (10) days from receipt of this 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. Plaintiff is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 19th day of June, 2009.

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

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