

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

STEVEN ALLEN PRATT

PLAINTIFF

v.

Civil No. 08-5123

SHERIFF KEITH FERGUSON,
Benton County, Arkansas; and
CAPTAIN HUNTER PETRAY,
Jail Administrator, Benton County
Detention Center

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff filed this civil rights action pursuant to the provisions of 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*.

On December 9, 2008, defendants filed a motion to compel answers to discovery requests (Doc. 10). On December 23, 2009, the motion to compel was granted (Doc. 12). Plaintiff was directed to provide the defendants with the required responses to the discovery requests by 5:00 p.m. on January 12, 2009.

On January 16, 2009, defendants filed a motion to dismiss (Doc. 13). In the motion, defendants state they have not received the discovery responses from the plaintiff. Plaintiff has not responded to the motion to dismiss. He has not sought an extension of time to respond to the discovery requests or to the motion to dismiss. He has not communicated with the court in anyway.

I therefore recommend that defendants' motion to dismiss (Doc. 13) be granted and this case be dismissed based on plaintiff's failure to obey the order of the court and his failure to prosecute this action. 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 2nd day of April 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE