

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

MARK WEAVER

PLAINTIFF

v.

CASE No. 08-5167

CAPTAIN PETRAY,
DEPUTY JOHNSON,
DEPUTY MORRISON,
DEPUTY JOHNSTON,
DEPUTY ROLAND,
DEPUTY RANKIN,
DEPUTY WALES,
DEPUTY ELKINGTON,
DEPUTY TUCKER,
DEPUTY LOCKHART,
DEPUTY ENGLEMAN,
DEPUTY WRIGHT,
DEPUTY GONZALES,
DEPUTY COLTS,
DEPUTY BLAGG,
DEPUTY EWING,
DEPUTY STRICKLAND,
DEPUTY MRS. B,
DEPUTY BAILEY,
DEPUTY BARR,
SARGENT CARLTON,
SARGENT VAUGHN,
SARGENT ROBBINS,
SARGENT TORRES,
LT. CARTER, and
SHERIFF KEITH FERGUSON

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

_____NOW before the Court is the Motion to Dismiss (Doc. 52) filed by the Defendants. Defendants seek to dismiss Plaintiff's complaint for failure to prosecute as Plaintiff has not returned an addendum as directed by the Court (*see* Doc. 48), nor has he provided discovery to the

Defendants as required by the Court in the Order granting Defendants' Motion to Compel (Doc. 44). Plaintiff has not responded to the Motion to Dismiss by the Defendants, nor has he communicated with the Court regarding this matter. Likewise, no mail was returned to the Court.

Accordingly, it is the recommendation of the undersigned that Plaintiff's Complaint (Doc.1) be DISMISSED with prejudice for failure to prosecute.

_____ The parties have fourteen 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 4th day of January 2010.

/s/ Erin L. Setser

HONORABLE ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE