

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

RONALD LEE LEDBETTER

PLAINTIFF

v.

Civil No. 09-5025

NURSE RHONDA, Washington
County Detention Center; and
DR. HOWARD, Washington
County Detention Center

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Ronald Lee Ledbetter (hereinafter Ledbetter) filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on February 3, 2009. His complaint was filed *in forma pauperis*.

On September 8, 2009, an order was entered (Doc. 20) granting the Defendants' motion to compel (Doc. 16). Ledbetter was directed to provide the Defendants with discovery responses by September 30, 2009.

On October 2, 2009, Defendants filed a motion to dismiss (Doc. 21). In the motion, Defendants asserted they did not receive the discovery responses from Ledbetter.

Ledbetter has not sought an extension of time to provide the discovery responses. Ledbetter has not responded to the motion to dismiss.

I therefore recommend that the Defendants' motion to dismiss (Doc. 21) be granted. This case should be dismissed based on Ledbetter's failure to comply with the order of the court and his failure to prosecute this action. *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 November 2009.

/s/ Erin L. Setser

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE