

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HOT SPRINGS DIVISION

DELUNTA PORTER

PLAINTIFF

v.

Civil No. 6:08-cv-06043

CAPTAIN STEED; DEPUTY
ASHING; and DEPUTY
STRICKLAND, All of the Garland
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. Plaintiff proceeds *pro se* and *in forma pauperis*. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2007), the Honorable Robert T. Dawson, United States District Judge, referred this case to the undersigned for the purpose of making a report and recommendation.

On November 19, 2008, Defendants filed a motion to compel answers to discovery requests (Doc. 11). On January 28, 2009, the motion to compel was granted (Doc. 14). Plaintiff was directed to provide the Defendants with the required responses to the discovery requests by 5:00 p.m. on February 20, 2009.

On February 26, 2009, Defendants filed a motion to dismiss (Doc. 15). In the motion, Defendants state they have not received the discovery responses from the Plaintiff or any communication from the Plaintiff. Plaintiff has not responded to the motion to dismiss. Plaintiff has not sought an extension of time to respond to the discovery requests or to the motion to dismiss. Plaintiff has not communicated with the court in anyway.

I therefore recommend that Defendants' motion to dismiss (Doc. 15) be granted and this case be dismissed based on Plaintiff's failure to obey the order of the court and 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 7th day of April 2009.

/s/ Barry A. Bryant
BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE