

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

DREW ROBINSON

PLAINTIFF

v.

Civil No. 6:09-cv-06031

JAQUEINE NEWBORN,
Jail Administrator, Clark County
Detention Center; TIM PATTERSON,
Chief Deputy, Clark County
Detention Center; RICK LOY,
Jail Administrator, Clark County
Detention Center; DAVID
TURNER, Sheriff, Clark County;
and OFFICER MOORE

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, Drew Robinson, filed this action pursuant to the provisions of 42 U.S.C. § 1983. 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.

At the time he filed this complaint, Plaintiff was incarcerated in the Clark County Jail. On April 9, 2009, an order (Doc. 2) was entered directing the Plaintiff to complete, sign, and return an *in forma pauperis* (IFP) application or pay the \$350 filing fee. The IFP application or filing fee was to be returned by May 1, 2009 (Doc. 2). Plaintiff was advised that if he failed to return the completed IFP application or pay the \$350 filing fee by May 1, 2009, the complaint would become subject to summary dismissal for failure to obey an order of the court.

To date, the IFP application has not been returned or the filing fee paid. Plaintiff has not sought an extension of time to return the IFP application or pay the filing fee. Plaintiff has not communicated with the court in anyway.

I therefore recommend that this case be dismissed based on Plaintiff's failure to prosecute this action and his failure to obey the order of the court. Fed. R. Civ. P. 41(b).

The Plaintiff has ten 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. The Plaintiff is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this day 8th of June 2009.

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