

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FT. MYERS DIVISION**

VICTOR MARTINEZ, JOSE ACOSTA, JUAN
HERRERA on their own behalf and on behalf of
others similarly situated,

Plaintiffs,

v.

CASE NO. 2:11-CV-492-FtM-36DNF

WASTE PRO OF FLORIDA, INC.,

Defendant.

ORDER

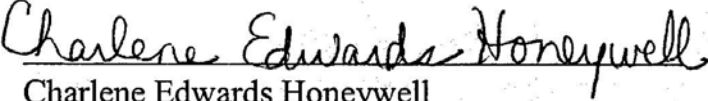
This cause comes before the Court on the Report and Recommendation of Magistrate Judge Douglas N. Frazier, filed on March 1, 2012 (Doc. 19). In the Report and Recommendation, Magistrate Judge Frazier recommends that this action be dismissed for failure to prosecute by the Plaintiffs. Neither party has objected to the Report and Recommendation and the time to do so has expired.

The Court is in agreement with the Magistrate that this case should be dismissed for failure to prosecute. *See* M.D.Fla. Local Rule 3.10(a). Plaintiffs have engaged in a pattern of failing to prosecute this action, including failing to comply with an Order of the Court (Doc. 16) and an Order to Show Cause (Doc. 17). Thus, after careful consideration of the Report and Recommendation of the Magistrate Judge, in conjunction with an independent examination of the court file, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be adopted, confirmed, and approved in all respects.

Accordingly, it is hereby **ORDERED and ADJUDGED**:

1. The Report and Recommendation of the Magistrate Judge (Doc. 19) is adopted, confirmed, and approved in all respects and is made a part of this order for all purposes, including appellate review.
2. This action is **DISMISSED** for failure to prosecute.
3. The Clerk is directed to terminate all deadlines, enter judgment accordingly, and close this case.

DONE AND ORDERED at Ft. Myers, Florida, on April 9, 2012.


Charlene Edwards Honeywell
United States District Judge

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COUNSEL OF RECORD