

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

**ROBERT KARP,**

**Plaintiff,**

**vs.**

**CASE NO. 1:08CV198-SPM/AK**

**SHERIFF OELRICH, et al,**

**Defendants.**

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**REPORT AND RECOMMENDATION**

Plaintiff filed a complaint on September 15, 2008, alleging that excessive force was used against him during an incident in September 2004. (Doc. 1). The complaint was not on the proper forms and no motion for leave to proceed IFP was filed with the complaint, so on October 9, 2008, he was advised that he must either pay the full filing fee or submit a motion and file an amended complaint on or before November 10, 2008. (Doc. 5). When no motion was filed, an order to show cause was entered on February 6, 2009, directing a response on or before February 28, 2009. (Doc. 6). As of this date, there has been no response to the show cause order or any further communication by Plaintiff with the Court.

A trial court has inherent power to dismiss a case *sua sponte* for failure to prosecute. Link v. Wabash Railroad, 370 U.S. 626, 82 S. Ct. 1386, 8 L.Ed2d 734 (1962). Fed. R. Civ. P. 41(b) also authorizes a district court to dismiss an action for

failure to obey a court order. Plaintiff has failed to comply with two orders of this Court directing that he file the necessary complaint and motion for leave to proceed IFP, (docs. 5 and 6), and has not otherwise prosecuted his lawsuit. Consequently, this case should be dismissed.

Accordingly, it is respectfully **RECOMMENDED** that this case be **DISMISSED** without prejudice.

**IN CHAMBERS** at Gainesville, Florida, this 13<sup>th</sup> day of March, 2009.

s/ A. KORNBLUM  
**ALLAN KORNBLUM**  
**UNITED STATES MAGISTRATE JUDGE**

**NOTICE TO THE PARTIES**

**A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.**