

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

BILLY R. CHANCE,

Plaintiff,

vs.

CASE NO. 1:09-CV-79-MP/AK

STATE OF FLORIDA, et al.,

Defendant.

_____ /

REPORT AND RECOMMENDATION

By Order dated June 23, 2009, Plaintiff was assessed a partial filing fee and directed to pay it on or before July 23, 2009,. (Doc. 16). Plaintiff failed to submit the partial filing fee and an and Order to Show Cause was entered directing a response on or before November 16, 2009. (Doc. 20). 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 (docs. 16 and 20), 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 20th day of November, 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.