

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

DANIEL HENDRICKS WARNER,

Plaintiff,

v.

CASE NO. 1:10-cv-00059-MP -GRJ

PATRICIA F BRANCH, et al,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff brings this cause of action pursuant to 42 U.S.C. §1983 seeking damages for the emotional trauma of being held in close confinement on a disciplinary charge. (Doc. 1). Plaintiff was directed to file an amended complaint and was advised of certain deficiencies in his pleading by Order dated August 11, 2010. (Doc. 8). An Order to Show Cause was entered on October 18, 2010, directing Plaintiff to respond by November 5, 2010, failing which it would be recommended that this matter be dismissed. (Doc. 11). As of this date, Plaintiff has not filed a response to the show cause order.

A trial court has inherent power to dismiss a case *sua sponte* for failure to prosecute. Link v. Wabash Railroad, 370 U.S. 626 (1962); Eades v. Alabama Dept. of Human Resources, 298 Fed. Appx. 862 (11th Cir. 2008) (district court has discretion to dismiss case *sua sponte* where plaintiff has failed to comply with court orders and was on notice that such failure may result in dismissal). 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 an order of this Court directing that he file an amended complaint (doc. 8), and he was advised that failure to comply with the Order may result in a recommendation that his case be dismissed.

In light of the foregoing, it is respectfully **RECOMMENDED**:

That this cause be **DISMISSED** for failure to prosecute.

At Gainesville, Florida, this 17th day of November 2010.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(b)(2), a party may file specific, written objections to the proposed findings and recommendations within 14 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 14 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.