

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

PAUL E. ZAHN,
Petitioner,

vs.

Case No.: 3:08cv306/MCR/EMT

WALTER A. McNEIL,
Respondent.

REPORT AND RECOMMENDATION

This cause is before the court upon referral from the clerk. Petitioner commenced this action by filing a habeas petition under 28 U.S.C. § 2254 (Doc. 1). On September 16, 2008, this court entered an order giving Petitioner thirty (30) days in which to file an amended habeas petition on the court-approved form (Doc. 7). Petitioner failed to comply with the order; therefore, on October 21, 2008, the court issued an order requiring Petitioner to show cause, within twenty (20) days, why this action should not be dismissed for failure to comply with an order of the court (Doc. 8). The time for compliance with the show cause order has now elapsed with no response from Petitioner.

Accordingly, it is respectfully **RECOMMENDED**:

That this case be **DISMISSED without prejudice** for Petitioner's failure to comply with an order of the court.

At Pensacola, Florida, this 17th day of November 2008.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Any objections to these proposed findings and recommendations must be filed within ten days after being served a copy thereof. Any different deadline that may appear on the electronic docket is for the court's internal use only, and does not control. A copy of objections shall be served upon all other parties. Failure to object may limit the scope of appellate review of factual findings. See 28 U.S.C. § 636; United States v. Roberts, 858 F.2d 698, 701 (11th Cir. 1988).