

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

JAMES H. TAYLOR,
Plaintiff,

vs.

Case No.: 3:08cv438/WS/EMT

SANTA ROSA COUNTY, FLORIDA, et al.,
Defendants.

REPORT AND RECOMMENDATION

This cause is before the court upon referral from the clerk. Plaintiff commenced this action by filing a civil rights complaint under 42 U.S.C. § 1983 (Doc. 1). On October 9, 2008, this court entered an order giving Plaintiff thirty (30) days in which to pay the filing fee or file a complete application to proceed in forma pauperis (Doc. 5). Plaintiff failed to respond to the order; therefore, on November 12, 2008, the court issued an order requiring Plaintiff 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. 6). The time for compliance with the show cause order has now elapsed with no response from Plaintiff.¹

Accordingly, it is respectfully **RECOMMENDED**:

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

¹Although the court's orders (Docs. 5, 6) were returned to the court as undeliverable (*see* Docket Entries 7, 8), Plaintiff has failed to update the court with a valid address, and it appears that he is not presently an inmate of the Florida Department of Corrections (DOC) (*see* <http://www.dc.state.fl.us/ActiveInmates/>, search under the name James H. Taylor). Although an inmate named James H. Taylor is presently housed within the DOC, the incarcerated inmate has been continuously incarcerated since 1992 (*see id.*), and the events underlying the instant civil rights complaint occurred when Plaintiff was booked into the Santa Rosa County Jail on August 22, 2008 (*see* Doc. 1 at 5). Therefore, the incarcerated James H. Taylor is not the same James H. Taylor as Plaintiff.

At Pensacola, Florida, this 4th day of December 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. 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).