

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

NYKA O'CONNOR,
Plaintiff,

vs.

Case No. 3:09cv224/WS/EMT

M. L. CARNAHAN, et al.,
Defendants.

REPORT AND RECOMMENDATION

By order dated November 20, 2009, the court gave Plaintiff through January 4, 2010, in which to file a notice with the court advising of his continued interest in pursuing this litigation (Doc. 20). The court advised Plaintiff that if he failed to file a notice as directed within the time allotted it would assume he wished to abandon this case. The court further informed Plaintiff that if he failed to timely file the notice as directed it would recommend dismissal of this action to the district court without further notice to Plaintiff. The court repeated this information to Plaintiff in its order dated December 18, 2009 (Doc. 22), adding that a notice that was non-responsive to the court's November 20, 2009, order (such as Plaintiff's notice filed December 16, 2009 (Doc. 21)) would likewise result in a recommendation of dismissal for failure to comply with an order of the court.

The time for Plaintiff to file a notice advising of his continued interest in pursuing this litigation has now elapsed with no response from Plaintiff.

Accordingly, it is respectfully **RECOMMENDED**:

That this case be **DISMISSED without prejudice** for failure to comply with an order of the court and for want of prosecution.

At Pensacola, Florida, this 19th day of January 2010.

/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 fourteen (14) 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).