

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

KARL EDWARD BRAITHWAITE,
Plaintiff,

vs.

Case No.: 3:09cv341/WS/EMT

ESCAMBIA COUNTY SHERIFF'S DEP'T, 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 August 25, 2010, Plaintiff was given thirty (30) days in which to file a fourth amended complaint (*see* Doc. 23). Plaintiff failed to file an amended complaint; therefore, on September 27, 2010, this court entered an order giving 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. 25). The time for compliance with the show cause order has now elapsed and Plaintiff has not filed a fourth amended complaint.

Accordingly, it is respectfully **RECOMMENDED**:

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

At Pensacola, Florida, this 28th day of October 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).