

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

JOSEPH P. WILBERT,
Plaintiff,

vs.

Case No. 3:10cv310/RV/EMT

ESCAMBIA COUNTY SHERIFF'S OFFICE,
Defendants.

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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 September 1, 2010, this court entered an order giving Plaintiff thirty (30) days in which to file an amended complaint and submit a properly completed motion to proceed in forma pauperis or pay the filing fee (Doc. 4). Plaintiff failed to respond to the order; therefore, on October 7, 2010, 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 and Plaintiff has not filed an amended complaint, and has not submitted a properly completed motion to proceed in forma pauperis or paid the filing fee.

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 2nd day of November 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).