

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LENORIS MILLER,

Plaintiff,

vs.

CASE NO. 4:07CV444-RH/AK

STATE OF FLORIDA,

Defendant.

_____ /

REPORT AND RECOMMENDATION

Plaintiff was directed to file an amended pleading by Order dated July 2, 2008, and the order was returned by the Leon County Jail as undeliverable. (Doc. 6). No forwarding address could be found for this person in either the Department of Corrections or Bureau of Prisons data bank. An order to show cause was entered and mailed to Plaintiff's last known address, but this, too, was returned as undeliverable. There has been no further communication from the Plaintiff and at present the Court has no means of communicating with him about this case.

A trial court has inherent power to dismiss a case *sua sponte* for failure to prosecute. Link v. Wabash Railroad, 370 U.S. 626, 82 S. Ct. 1386, 8 L.Ed2d 734

(1962). Fed. R. Civ. P. 41(b) also authorizes a district court to dismiss an action for failure to obey a court order. Plaintiff has failed to keep the Court advised of his current address, has not filed an amended pleading, and has not otherwise prosecuted his lawsuit. Consequently, this case should be dismissed.

Accordingly, it is respectfully **RECOMMENDED** that this case be **DISMISSED** without prejudice.

IN CHAMBERS at Gainesville, Florida, this **10th** day of February, 2009.

s/ A. KORNBLUM
ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.