

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

ALBERT NEWMAN,

Plaintiff,

vs.

CASE NO. 4:08CV59-MP/AK

WILLIAM MEGGS, et al,

Defendants.

\_\_\_\_\_ /

**REPORT AND RECOMMENDATION**

By Order dated May 22, 2008, Plaintiff was directed to show cause on or before June 5, 2008, why this case should not be dismissed for failure to file an amended motion for leave to proceed in forma pauperis. (Doc. 9). There has been no response to the order or other communication from the Plaintiff.

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 comply with two orders of this Court or otherwise prosecute this action. (Docs. 6 and 9).

Consequently, this case should be dismissed.

Accordingly, it is respectfully **RECOMMENDED** that this case be **DISMISSED** with prejudice.

**IN CHAMBERS** at Gainesville, Florida, ***this 21<sup>st</sup> day*** of October, 2008.

**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.