

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

JOSEPH GARWOOD,

Plaintiff,

vs.

Case No. 4:08cv231-SPM/WCS

**POLICE OFFICER J. AZEVEDO,
et al.,**

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff, proceeding *pro se*, initiated this case on May 16, 2008. Doc. 1. Plaintiff was granted leave to proceed *in forma pauperis*, doc. 5, and directed to file an amended complaint. Doc. 5. When Plaintiff failed to comply, a report and recommendation was entered recommending dismissal for failure to prosecute. Doc. 6. Plaintiff belatedly complied, doc. 8, and the report and recommendation was vacated. Doc. 9. Plaintiff was directed to clarify his claims, doc. 11, but when he failed to do so, another report and recommendation was entered. Doc. 11. Plaintiff filed a motion for reconsideration, doc. 12, which was granted and Plaintiff directed to comply with the two court orders, docs. 5, 10, by October 24, 2008. Doc. 14. Plaintiff has filed nothing in this case since that order was entered on September 23, 2008.

As Plaintiff has filed nothing in nearly a year, this case should be dismissed for failure to prosecute and failure to comply with court orders. A trial court has inherent power to dismiss a case sua sponte for failure to prosecute. Link v. Wabash R.R., 370 U.S. 626, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962); Chambers v. NASCO, Inc., 501 U.S. 32, 44, 111 S. Ct. 2123, 2132, 115 L. Ed. 2d 27 (1991). Plaintiff has not demonstrated a desire to prosecute this case and because it has been nearly a year since Plaintiff's last filing, this case should be dismissed.

It is therefore, respectfully **RECOMMENDED** that this case be **DISMISSED** without prejudice for Plaintiff's failure to prosecute and failure to comply with court orders.

IN CHAMBERS at Tallahassee, Florida, on September 2, 2009.

s/ William C. Sherrill, Jr.
WILLIAM C. SHERRILL, JR.
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.