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

MARIA ELDA SANCHEZ RAMIREZ,

    Plaintiff,

vs.   **4:08cv450-MP/WCS**

WARDEN PAIGE AUGUSTINE, et al.,

    Defendants.

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REPORT AND RECOMMENDATION

This cause is before me upon referral from the Clerk.

In an order filed November 25, 2008, Plaintiff was directed to advise the court

that she no longer intended to pursue this action or, alternatively, she was directed to

file the amended complaint as previously directed by December 23, 2008. Doc. 8. To

date, Plaintiff has not responded.

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).

Fed. R. Civ. P. 41(b) authorizes a district court to dismiss an action for failure to obey a

court order. Moon v. Newsome, 863 F.2d 835, 838 and cases cited (11th Cir.), *cert.*

denied, 493 U.S. 863 (1989). Since Plaintiff has failed to comply with an order or to prosecute this case, his complaint should now be dismissed without prejudice.

Plaintiff shall have a 15 day period after service of this report and recommendation in which to file objections. This will also afford Plaintiff a final opportunity to show good cause for his failure to respond. Plaintiff may do so by filing a motion for reconsideration which will be referred to me by the Clerk.

It is therefore, respectfully **RECOMMENDED** that this case be **DISMISSED** without prejudice.

IN CHAMBERS at Tallahassee, Florida, on January 6, 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.