

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

DUSTY YORK,

Plaintiff,

vs.

CASE NO. 4:09CV111-MP/AK

JOHN DOE, et al,

Defendants.

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REPORT AND RECOMMENDATION

Plaintiff filed a complaint on March 26, 2009, alleging deliberate indifference to his medical needs while incarcerated at the Leon County Jail. (Doc. 1). An initial partial filing fee was assessed (doc. 7), which he was directed to pay on or before May 5, 2009. This Order was returned as undeliverable, Plaintiff released with no forwarding address. (Doc. 8). An order to show cause was entered requiring a response on or before May 5, 2009, and mailed to the last known address, but again this was returned as undeliverable. As of this date, there has been no response to the show cause order and no partial payment towards the filing fee and the Court has no means of communicating with 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). Consequently, this case should be dismissed.

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

IN CHAMBERS at Gainesville, Florida, this 15th day of April, 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.