

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

**VERA BECTON,**

**Plaintiff,**

**vs.**

**CASE NO. 4:09cv251-RH/WCS**

**FLORIDA DEPARTMENT  
OF CORRECTIONS,**

**Defendant.**

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**REPORT AND RECOMMENDATION**

Defendant moved to compel discovery on October 9, 2009. Doc. 15. In response, Plaintiff's attorney candidly advised on October 13, 2009, that he was unable to reach Plaintiff to collect responses to Defendant's requests for discovery. Doc. 17. I granted the motion to compel and warned that I would recommend dismissal for failure to prosecute if Plaintiff failed to respond to the order. Doc. 18. Plaintiff's attorney has now candidly advised that he has not been able to obtain responses to the discovery from Plaintiff and the deadline I set in the order has passed. Doc. 21.

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 apparently abandoned the prosecution of this case. Thus, this case should now be dismissed. If during the period for objections to this recommendation Plaintiff responds to the pending discovery, the issue of dismissal should be revisited.

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

**IN CHAMBERS** at Tallahassee, Florida, on November 3, 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.**