

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

**TANESHA BOLAR,**

**Petitioner,**

**vs.**

**Case No. 4:09cv309-RH/WCS**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**REPORT AND RECOMMENDATION**

This cause is before me upon referral from the Clerk. In an order filed October 13, 2009, Petitioner was directed to file an amended § 2241 petition and a completed *in forma pauperis* application by November 13, 2009. That order also warned Petitioner of dismissal if he failed to comply with that order. Doc. 6. To date, no response has been received from the Petitioner.

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 Petitioner has failed to comply with an order or to prosecute this case, this petition should now be dismissed without prejudice.

Petitioner shall have a 15 day period after service of this report and recommendation in which to file objections. This will also afford Petitioner a final opportunity to show good cause for this 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 December 4, 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.**