

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

JONATHAN LEE RICHES,

Plaintiff,

vs.

Case No. 4:09cv323-SPM/WCS

BYRD BILLINGS, et al.,

Defendants.

_____ /

REPORT AND RECOMMENDATION

Plaintiff Jonathan Lee Riches sought to initiate a case in this Court on August 21, 2009. Doc. 1. The Plaintiff attempted to bring this case on behalf of himself, and he sought to fraudulently involved another inmate, Bernard Madoff. Doc. 1. Considering the two federal inmates were not located at the same institution and it would be impossible to have signed and dated the complaint one day apart, I ordered Plaintiff Jonathan Lee Riches to cease his efforts to forge a signature for another person and to file a complaint solely on his own, if there was a legal basis to do so. Docs. 3, 5. Plaintiff has failed to respond to the latest order, doc. 5, which gave him until October 22, 2009, to file an amended complaint. Doc. 5. Plaintiff has also failed to submit an *in*

forma pauperis motion, pay the filing fee, or file a notice of voluntary dismissal. Plaintiff has not responded in any way to the prior order. Therefore, this case should be dismissed for Plaintiff's failure to prosecute. 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).

Another basis for dismissal is Plaintiff's efforts to fraudulently initiate this lawsuit. Pursuant to 28 U.S.C. § 1915(e)(2), this actions should be dismissed as malicious.

In light of the foregoing, it is respectfully **RECOMMENDED** that this civil rights action initiated by Plaintiff Jonathan Lee Riches be **DISMISSED** for failure to prosecute, failure to comply with court orders, and because it is malicious.

IN CHAMBERS at Tallahassee, Florida, on November 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.