

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

MARK CORRELL RAINEY,

Plaintiff,

v.

CASE NO. 4:09-cv-00474-SPM-AK

BARNES, et al,

Defendants.

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**ORDER**

Plaintiff filed an original complaint on December 7, 2009, and an amended complaint on February 23, 2010. (Docs. 1 and 7). Neither pleading by itself provides a cohesive picture of what Plaintiff is complaining about, but from a review of both pleadings the facts alleged are that Plaintiff was beaten severely by other inmates at Franklin CI, perhaps because of his sexual persuasion, and he claims that Defendants failed to investigate and prevented him from filing charges. He was advised by Order dated April 8, 2010, that he must file a second amended pleading providing more facts supporting his claims against these officers. (Doc. 11). When no pleading was filed, an Order to Show Cause was entered explaining that his cause would be dismissed if he did not respond. (Doc. 12). As of this date, there has been no response to the show cause

order or any further communication by Plaintiff with the Court.

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). Fed. R. Civ. P. 41(b) also authorizes a district court to dismiss an action for failure to obey a court order. Plaintiff has failed to comply with two orders of this Court (docs. 11 and 12), and has not otherwise prosecuted his lawsuit.

Accordingly, it is

ORDERED AND ADJUDGED:

That this cause be DISMISSED for failure to prosecute.

DONE AND ORDERED this 9th day of August, 2010.

*s/ Stephan P. Mickle*  
Stephan P. Mickle  
Chief United States District Judge