

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

ROBERT D. ALLEN,

Plaintiff,

vs.

Case No. 4:10cv68-RH/WCS

THE CHRONICLE, et al.,

Defendants.

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REPORT AND RECOMMENDATION

There has been no action in this case since May 11, 2010, when I granted two motions for extensions of time, docs. 10-11, for Defendants to file their answer to the amended complaint. Doc. 12. Defendants are in default. See docs. 12, 13. Plaintiff, who is *pro se*, has not filed anything since March 31, 2010. Docs. 6, 7.

An order to show cause was entered on November 2, 2010, requiring Plaintiff to demonstrate good cause as to why this case should not be dismissed for his failure to prosecute. Doc. 13. Under N.D. Fla. Loc. R. 41.1(A), when no activity has occurred for a period of more than ninety days, a party may be ordered to show cause why the case should not be dismissed. Plaintiff was advised that failure to respond to the order by the November 15th deadline would result in a recommendation that this case be dismissed for want of prosecution. Doc. 13. Plaintiff did not respond.

Plaintiff has the burden of proof in this case, and the responsibility to prosecute it with diligence. Despite the fact that Defendants are also in default, the remedy is to dismiss the complaint for failure to prosecute.

In light of the foregoing, it is respectfully **RECOMMENDED** that this case be **DISMISSED** for failure to prosecute and the Clerk of Court be directed to administratively close this action.

IN CHAMBERS at Tallahassee, Florida, on November 24, 2010.

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 14 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 14 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.