

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

ERSULA E. BUTLER,

Plaintiff,

v.

4:12cv441-WS

MY FAMILY, et al.,

Defendants.

ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION

Before the court is the magistrate judge's report and recommendation (doc. 3) docketed September 6, 2012. The magistrate judge recommends that this case be dismissed for failure to state a claim. No objections to the report and recommendation have been filed.

As noted by the magistrate judge, the plaintiff is homeless and has no mailing address. Although a copy of the magistrate judge's report and recommendation was left with the clerk for pickup by the plaintiff, the plaintiff has neither called nor come by the clerk's office to inquire about her case. Although it is her responsibility to monitor the progress of the case and to prosecute the action diligently, she has not done so.

The court has reviewed the record and has determined that the magistrate judge's report and recommendation should be adopted. Accordingly, it is ORDERED:

1. The magistrate judge's report and recommendation (doc. 3) is hereby

ADOPTED and incorporated by reference in this order.

2. The plaintiff's complaint and this action are DISMISSED for failure to state a claim upon which relief may be granted.

3. The clerk shall enter judgment stating: "All claims are dismissed."

4. The court retains jurisdiction to amend, alter, or vacate and set aside the judgment of dismissal, provided the plaintiff—within sixty (60) days after the date hereof—shows cause why the case should not be dismissed.

DONE AND ORDERED this 9th day of October, 2012.

s/ William Stafford
WILLIAM STAFFORD
SENIOR UNITED STATES DISTRICT JUDGE