

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

JEFF L. SMITH,
Plaintiff,

vs.

Case No. 5:08cv293/RH/EMT

SCOTT DUVALL, et al.,
Defendants.

REPORT AND RECOMMENDATION

This cause is before the court upon referral from the clerk. Plaintiff commenced this action by filing a civil rights complaint under 42 U.S.C. § 1983 (Doc. 1). By order of this court dated December 9, 2008, Plaintiff was given thirty (30) days in which to file an amended complaint (*see* Doc. 17). Plaintiff requested several extensions of time advising the court that he was unprepared to proceed with this case at this time (*see* Docs. 20, 21, 22, 24, 29, 30). The court granted Plaintiff's final request on May 12, 2009, directing Plaintiff to file an amended complaint on or before July 6, 2009 (Doc. 30). Plaintiff failed to file an amended complaint by that date; therefore, on July 10, 2009, the court entered an order directing Plaintiff to show cause, within twenty (20) days, why this case should not be dismissed for failure to comply with an order of the court (Doc. 31). The time for compliance with the show cause order has now elapsed with no response from Plaintiff.

Accordingly, it is respectfully **RECOMMENDED**:

That this case be **DISMISSED without prejudice** for Plaintiff's failure to comply with an order of the court.

At Pensacola, Florida, this 5th day of August 2009.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

Any objections to these proposed findings and recommendations must be filed within ten days after being served a copy thereof. Any different deadline that may appear on the electronic docket is for the court's internal use only. A copy of objections shall be served upon all other parties. Failure to object may limit the scope of appellate review of factual findings. *See* 28 U.S.C. § 636; United States v. Roberts, 858 F.2d 698, 701 (11th Cir. 1988).