

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

CARL DWAYNE MORGAN,
Plaintiff,

vs.

Case No. 5:08cv334/RS/EMT

ROBERT SALE, 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 May 27, 2009, Plaintiff was given thirty (30) days in which to file an amended complaint (*see* Doc. 10). Plaintiff failed to respond to the order; therefore, on July 6, 2009, the court issued an order requiring Plaintiff to show cause, within twenty (20) days, why this action should not be dismissed for failure to comply with an order of the court (Doc. 11). On July 9, 2009, the copy of the order mailed to Plaintiff was returned to the court marked, "RETURN TO SENDER. ATTEMPTED - NOT KNOWN. UNABLE TO FORWARD" (Doc. 12). The court has received no communication from Plaintiff since January of 2009.

Accordingly, it is respectfully **RECOMMENDED**:

That this action be **DISMISSED WITHOUT PREJUDICE** for Plaintiff's failure to comply with an order of the court and failure to keep the court advised of his present address.

DONE AND ORDERED this 16th day of July 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 (10) 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).