

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

DAVID LEE GRIFFIN, et al,

Plaintiffs,

vs.

CASE NO. 5:09CV178-RH/AK

STATE OF FLORIDA,

Defendant.

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REPORT AND RECOMMENDATION

Plaintiff filed a complaint on May 13, 2009, which was not on proper forms and was not accompanied by a motion for IFP or the filing fee. (Doc. 1). He was ordered on July 27, 2009, to file an amended pleading with the fee or proper motion for IFP on July 27, 2009, but none was filed. (Doc. 6). An order to show cause was entered on December 7, 2009, directing a response on or before December 28, 2009, but this mail was returned as undeliverable with the notation that he has been released with no forwarding address provided. (Docs. 7 and 8). As of this date, there has been no 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

directing that he file an amended pleading on the proper forms or to file the necessary motion for leave to proceed IFP, (docs. 6 and 7), and has not advised the Court of his current address. Consequently, this case should be dismissed.

Accordingly, it is respectfully **RECOMMENDED** that this case be **DISMISSED** without prejudice.

IN CHAMBERS at Gainesville, Florida, this 8th day of January, 2010.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE

NOTICE TO THE PARTIES

A party may file specific, written objections to the proposed findings and recommendations within 15 days after being served with a copy of this report and recommendation. A party may respond to another party's objections within 10 days after being served with a copy thereof. Failure to file specific objections limits the scope of review of proposed factual findings and recommendations.