

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

J. SITSLER,  
Plaintiff,

vs.

Case No. 5:09cv386/MCR/EMT

WARDEN FCI MARIANNA,  
Defendant.

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**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, 2009, Plaintiff was given thirty (30) days in which to pay the filing fee, or submit a fully completed motion to proceed in forma pauperis, and to file an amended complaint (*see* Doc. 3). Plaintiff failed to pay the filing fee, submit a completed motion to proceed in forma pauperis, or file an amended complaint within the time allotted. Therefore, on January 19, 2010, 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. 4). The time for compliance with the show cause order has now elapsed, and Plaintiff has failed to respond.

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 12<sup>th</sup> day of February 2010.

*/s/ Elizabeth M. Timothy*

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**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**

**NOTICE TO THE PARTIES**

**Any objections to these proposed findings and recommendations must be filed within fourteen (14) 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).**