

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

SYLVESTER JOHNSON,
Plaintiff,

vs.

Case No. 5:10cv198/MCR/MD

P. SEXTON, et. al,
Defendants.

REPORT AND RECOMMENDATION

This cause is before the court upon referral from the clerk. Plaintiff initiated this action on July 21, 2010 by filing a civil rights complaint under 42 U.S.C. § 1983 (doc. 1), and a motion to proceed *in forma pauperis* (doc. 2). Because both the complaint and application to proceed *in forma pauperis* were deficient, this court entered an order on August 5, 2010 directing plaintiff to file an amended complaint and to either pay the \$350.00 filing fee or correct the deficiency in his *in forma pauperis* application, within thirty days. (Doc. 4). Plaintiff was warned that failure to comply with the order would result in a recommendation of dismissal of this action.

Plaintiff did not respond to the order. Accordingly, on September 24, 2010, this court issued an order directing plaintiff to show cause, within fourteen days, why this case should not be dismissed for failure to comply with an order of the court. (Doc. 7). That deadline has passed, and plaintiff has neither responded to the order, nor complied with the court's August 5, 2010 order.

Accordingly, it is respectfully RECOMMENDED:

1. That this cause be DISMISSED WITHOUT PREJUDICE for plaintiff's failure to comply with an order of the court.

2. That the clerk be directed to close the file.

At Pensacola, Florida, this 28th day of October, 2010.

/s/ Miles Davis

MILES DAVIS
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, and does not control. 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).