

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

DUONG T. HO,

Plaintiff,

v.

CASE NO. 5:18cv8-MCR-GRJ

DEDEE S. COSTELLO, et al.,

Defendants.

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ORDER

This cause comes on for consideration of the Magistrate Judge's Report and Recommendation dated February 14, 2018, recommending that this case should be dismissed for failure to comply with a Court order and for failure to prosecute. ECF No. 6. Plaintiff has been furnished with a copy of the Report and Recommendation and was afforded an opportunity to file objections pursuant to 28 U.S.C. § 636(b)(1). An objection was filed by Ms. Pamela Nesmith as "Attorney in Fact" and Plaintiff's mother, with power of attorney. The Court advised that Ms. Nesmith may not represent the interests of another *pro se*, and the Court stayed the case for a period of 30 days to allow Plaintiff time to retain an attorney. That time has expired and no attorney has appeared on Plaintiff's behalf. Therefore, the stay will be lifted, and the case will proceed with Plaintiff proceeding *pro se*.

No timely objection was filed other than by Ms. Nesmith. Having fully reviewed the recommendation and the record, the Court has determined that the Report and Recommendation should be adopted.

Accordingly, it is now **ORDERED** as follows:

1. The STAY is **LIFTED**.
2. The Magistrate Judge's Report and Recommendation is adopted and incorporated by reference in this Order.
3. This case is dismissed without prejudice for failure to comply with a Court order and for failure to prosecute.
4. The Clerk is directed to close the file.

DONE AND ORDERED this 19th day of April 2018.

M. Casey Rodgers

M. CASEY RODGERS
CHIEF UNITED STATES DISTRICT JUDGE