

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-61241-CIV-SEITZ  
MAGISTRATE JUDGE P.A. WHITE

OLUWAROTIMI SURAKAT,	:	
	:	
Plaintiff,	:	
v.	:	<u>REPORT OF</u>
	:	<u>MAGISTRATE JUDGE</u>
DEPUTY BROOKINS, ET AL.,	:	
	:	
Defendants.	:	

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This Cause is before the Court upon the defendant's Motion to Dismiss for Failure to Prosecute and Alternative Motion to Extend Discovery. [DE# 20].

The defendant has filed a motion seeking an order dismissing this case based on the plaintiff's failure to respond to discovery requests and otherwise prosecute this litigation. The defendant has advised the Court that counsel has attempted to contact the plaintiff with no success.

On July 31, 2009, the Undersigned issued an Order to the plaintiff to show cause why this civil action should not be dismissed for his failure to respond to the defendant's discovery requests or otherwise prosecute this civil action. [DE# 21].

On August 10, 2009, the plaintiff filed a "Motion for Court Proceeding" which appears to be a response to the show cause order. [DE# 22]. The plaintiff states that he was hospitalized from December 28, 2008 through July 31, 2009 and he has submitted supporting documentation.

Based on this submission, it is recommended that the Motion to Dismiss for Failure to Prosecute [DE# 20] be denied.

The Undersigned will issue an Order extending the dates in the Scheduling Order.

Objections to this report may be filed with the District Judge within ten days of receipt of a copy of the report.

It is so recommended at Miami, Florida, this 13<sup>th</sup> day of August, 2009.



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UNITED STATES MAGISTRATE JUDGE

cc: Oluwarotimi Surakat, Pro Se  
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Counsel of Record