

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION

ROBIN LATNEY

PLAINTIFF

VS.

CIVIL ACTION NO. 4:08cv108DPJ-JCS

TODD KEMP, et al.

DEFENDANTS

REPORT AND RECOMMENDATION

This section 1983 cause is before the court sua sponte for consideration of dismissal. An omnibus hearing was held on December 2, 2009, the hearing having been set by order entered November 23, 2009. Plaintiff did not appear. Accordingly, the undersigned recommends that the complaint be dismissed without prejudice for failure to prosecute.

The parties are hereby notified that failure to file written objections to the proposed findings, conclusions, and recommendation contained within this report and recommendation within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. 28 U.S.C. §636; Fed. R. Civ. P. 72(b)(as amended, effective December 1, 2009); *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).

Respectfully submitted, this the 2<sup>nd</sup> day of December, 2009.

/s/ James C. Sumner  
UNITED STATES MAGISTRATE JUDGE