

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TRACY DAMRON,
Plaintiff,

vs

WARDEN, SOUTHERN OHIO
CORRECTIONAL FACILITY,
Defendant.

Case No. 1:13-cv-14

Dlott, J.
Bowman, M.J.

**REPORT AND
RECOMMENDATION**

Plaintiff is a prisoner at the Southern Ohio Correctional Facility (SOCF) in Lucasville, Ohio. On January 9, 2013, the United States District Court for the Southern District of West Virginia opened this action and transferred a letter from plaintiff, which was construed as a complaint “filed pursuant to 42 U.S.C. § 1983 alleging unsafe prison conditions” at SOCF, to this Court for further proceedings. (Doc. 1). On May 2, 2013, the undersigned issued an Order noting that plaintiff failed to specify the names of the staff members or others who he alleges have failed to protect him. (Doc. 21). Plaintiff was provided with a complaint form and directed to set forth the facts of his claims and the relief he is seeking within thirty (30) days. Plaintiff was further advised that if he “fails to comply with [the] Order, the Court shall dismiss his case for want of prosecution.” *Id.* at 1-2. To date, over thirty days after the Order was issued, plaintiff has yet to submit a completed complaint form.

District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). *See also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). Failure of a party to respond to an order of the court warrants

invocation of the Court's inherent power. *See* Fed. R. Civ. P. 41(b). Accordingly, dismissal is appropriate.

IT IS THEREFORE RECOMMENDED THAT:

1. Plaintiff's case be **DISMISSED** with prejudice for lack of prosecution.
2. The Court certify pursuant to 28 U.S.C. § 1915(a)(3) that for the foregoing reasons an appeal of this Court's Order would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601 (6th Cir. 1997).

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).