

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

<b>RAYFORD RICHARDSON,</b>	§	
	§	
<b>Plaintiff,</b>	§	
<b>v.</b>	§	<b>CIVIL ACTION NO.</b>
	§	
<b>ALAMO COLLEGE DISTRICT,</b>	§	<b>SA-11-CV-0691 FB</b>
	§	
<b>Defendant.</b>	§	

**REPORT AND RECOMMENDATION**

**TO: Honorable Fred Biery  
Chief United States District Judge**

This report and recommendation recommends dismissing this case for failing to comply with a court order and failing to prosecute. This case was initiated by plaintiff Rayford Richardson by a motion to proceed in forma pauperis (IFP).<sup>1</sup> Richardson sought to sue the Alamo College District (the District) for the third time. Richardson first sued the District in Cause No. SA-08-CV-54-FB. That case was dismissed on summary-judgment. Richardson’s second lawsuit against the District—Cause No. SA-10-CV-00447-FB—is pending before the district judge.

In response to Richardson’s motion to proceed IFP in this case, I directed Richardson to complete a more detailed application and to provide additional

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<sup>1</sup>Docket entry # 1.

information to assist me in determining his entitlement to IFP status. I warned Richardson that this case would be dismissed if he failed to respond to my order. I directed Richardson to complete the application by September 5, 2011.

Richardson did not respond to my order. Because Richardson did not respond, this case is appropriately dismissed for failing to prosecute this case and failing to comply with my order.<sup>2</sup>

**Recommendation.** Consistent with my warning, I recommend dismissing this case for failure to prosecute and failure to comply with my order.

**Instructions for Service and Notice of Right to Object/Appeal.** The United States District Clerk shall serve a copy of this report and recommendation on all parties by either (1) electronic transmittal to all parties represented by attorneys registered as a “filing user” with the clerk of court, or (2) by mailing a copy to those not registered by certified mail, return receipt requested. Written objections to this report and recommendation must be filed within 14 days after being served with a copy of same, unless this time period is modified by the district court.<sup>3</sup> Such party shall file the objections with the clerk of the court, and serve the objections on all other parties. A

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<sup>2</sup>See Fed. R. Civ. P. 41(b) (permitting the defendant to move for dismissal on grounds the plaintiff failed to prosecute his case); *Gonzalez v. Firestone Tire & Rubber Co.*, 610 F.2d 241, 247 (5th Cir. 1980) (explaining that “a federal district court possesses the inherent authority to dismiss an action for want of prosecution”).

<sup>3</sup>28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

party filing objections must specifically identify those findings, conclusions or recommendations to which objections are being made and the basis for such objections; the district court need not consider frivolous, conclusive or general objections. A party's failure to file written objections to the proposed findings, conclusions and recommendations contained in this report shall bar the party from a *de novo* determination by the district court.<sup>4</sup> Additionally, failure to file timely written objections to the proposed findings, conclusions and recommendations contained in this report and recommendation shall bar the aggrieved 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.<sup>5</sup>

**SIGNED** on September 20, 2011.



NANCY STEIN NOWAK  
UNITED STATES MAGISTRATE JUDGE

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<sup>4</sup>*Thomas v. Arn*, 474 U.S. 140, 149-52 (1985); *Acuña v. Brown & Root*, 200 F.3d 335, 340 (5th Cir. 2000).

<sup>5</sup>*Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996).