

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

ANGEL GARRISON-GRIFFIS,

Plaintiff,

vs.

Case No. 3:18-cv-381-J-32JRK

GORDON SMITH, Sheriff of Bradford
county, DEPUTY WILLIAM MURRAY,
DETECTIVE SGT. BENNETT,
INVESTIGATOR RICHARD CREWS, and
DEPUTY WALLACE,

Defendants.

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REPORT AND RECOMMENDATION¹

This cause is before the Court for a review of the file, including the February 12, 2019 Order to Show Cause (Doc. No. 52) entered by the undersigned. For the reasons stated below, the undersigned recommends dismissing this case for failure to prosecute.

On January 15, 2019, the undersigned entered an Order (Doc. No. 49) permitting counsel for Plaintiff to withdraw from representation. Part of the reason for the requested withdrawal was that counsel had been unable to communicate with Plaintiff to prosecute the claims in this lawsuit. In the Order allowing counsel to withdraw, Plaintiff was directed to file a notice no later than February 5, 2019 advising the Court whether she intended to proceed pro se or through counsel. Plaintiff failed to comply with the Order. Consequently, the

¹ "Within 14 days after being served with a copy of [a report and recommendation on a dispositive issue], a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "A party may respond to another party's objections within 14 days after being served with a copy." *Id.* A party's failure to serve and file specific objections to the proposed findings and recommendations alters the scope of review by the District Judge and the United States Court of Appeals for the Eleventh Circuit, including waiver of the right to challenge anything to which no specific objection was made. *See* Fed. R. Civ. P. 72(b)(3); 28 U.S.C. § 636(b)(1)(B); 11th Cir. R. 3-1; Local Rule 6.02.

undersigned entered the February 12, 2019 Order to Show Cause (Doc. No. 52) directing Plaintiff file a written show cause response by March 15, 2019 stating why the undersigned should not recommend that this case be dismissed without prejudice for failure to prosecute pursuant to Rule 3.10, Local Rules, Middle District of Florida. Plaintiff was warned that failure to comply would result in a recommendation of dismissal of the case without further notice. To date, Plaintiff has not responded in any way to the Order to Show Cause. In fact, Plaintiff has not filed anything since her counsel was permitted to withdraw in January 2019. Accordingly, it is

RECOMMENDED:

1. That this case be **DISMISSED without prejudice** for failure to prosecute pursuant to Rule 3.10(a), Local Rules, United States District Court, Middle District of Florida.
2. That any pending motions, including the Motion for Sanctions and Memorandum of Law of Defendants (Doc. No. 53), filed April 9, 2019, be found moot.²
3. That the Clerk of Court be directed to close the file.

RESPECTFULLY RECOMMENDED at Jacksonville, Florida on April 10, 2019.


JAMES R. KLINDT
United States Magistrate Judge

² In this motion, Defendants seek dismissal of the case without prejudice as a sanction for failure to comply with Court Orders. In addition to the Orders already addressed herein, according to Defendants, Plaintiff has failed to comply with a January 15, 2019 Order (Doc. No. 50) directing her to serve certain discovery by February 13, 2019. Whether for failure to prosecute or as a sanction, the result of dismissal without prejudice is the same.

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Copies to:

Honorable Timothy J. Corrigan
United States District Judge

Counsel of record

Angel Garrison-Griffis
2032 NW 251st Street
Lawtey, Florida 32058-3124³

Angel Garrison-Griffis
355 N. Church Street
Starke, Florida 32091

³ Mail has been returned to the Clerk as undeliverable when sent to this address; nevertheless, this Order will be mailed to this address (that was provided the Court by Plaintiff's former counsel) in an abundance of caution.