



Young v. Sherburne County Jail et al

2022 | Cited 0 times | D. Minnesota | October 12, 2022

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

LARON YOUNG, Plaintiff, v. SHERBURNE COUNTY JAIL and CAPTAIN ZERWAS, Defendants.

Case No. 22-CV-1963 (PAM/JFD)

REPORT AND RECOMMENDATION

In an order dated August 31, 2022, this Court directed plaintiff LaRon Young to submit financial documentation from which his initial partial filing fee could be calculated. See Dkt. No. 4 (citing 28 U.S.C. § 1915(b)). Mr. Young was given 21 days to submit the required financial information with the understanding that if he failed to do so, the Court would recommend that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b). That deadline has now passed, and Mr. Young has not submitted the required financial documentation. In fact, Mr. Young has not communicated with the Court about this case at all since this Court's August 31 Order. Accordingly, this Court now recommends, consistent with the warning given in that order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See *Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has

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discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

RECOMMENDATION Based upon the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: October 12, 2022

____s/ John F. Docherty_____ JOHN F. DOCHERTY United States Magistrate Judge

NOTICE Filing Objections: This Report and Recommendation is not an order or judgment of the



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District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals. Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).

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