

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JAMES E. WRIGHT,	:	Case No. 3:11-mc-11
	:	
Plaintiff,	:	
	:	Judge Timothy S. Black
vs.	:	Magistrate Judge Sharon L. Ovington
	:	
MONTGOMERY COUNTY	:	
JUVENILE COURT,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 4); AND (2) TERMINATING THIS CASE**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio, Western Division, to United States Magistrate Judge Sharon L. Ovington. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on December 2, 2011, submitted a Report and Recommendations. (Doc. 4).¹ No Objections have been filed.

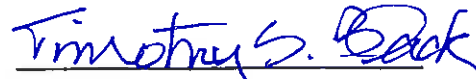
¹ Proper notice has been given to the Plaintiff under 28 U.S.C. § 636(b)(1)(C), including notice that he would waive further appeal if he failed to file objections to the R&R in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The Court notes, however, that although such notice was served upon Plaintiff, it was returned to the Court due to Plaintiff's failure to apprise the Court of his change of address. (Doc. 5). The failure to keep the Court apprised of his current address does not excuse the untimely filing of any objections. *Theede v. United States Dep't of Labor*, 172 F.3d 1262, 1265 (10th Cir. 1999) (failure to object to a Magistrate Judge's R&R due to delay resulting from a party's failure to bring to the court's attention a change in address constitutes failure to object in a timely manner. Because the R&R was mailed to the last known address, it was properly served, and party waived right to appellate review). See also *Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (a *pro se* litigant has a duty to supply the court with notice of any and all changes in his address).

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety.

Accordingly, Plaintiff's motion to stop proceedings (Doc. 1) is **DENIED**, and this case is hereby **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 12/22/11



Timothy S. Black
United States District Judge