

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ALLEN YOUNG, #1412493

§

VS.

§

CIVIL ACTION NO. 6:16cv951

BALDWIN POLK, ET AL.

§

MEMORANDUM OPINION ADOPTING THE REPORT
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Allen Young, a former inmate within the Texas Department of Justice proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 alleging purported violations of his constitutional rights. The complaint was referred to the United States Magistrate Judge, the Honorable John D. Love.

On September 25, 2018, Judge Love issued a Report, (Dkt. #15), recommending that Plaintiff's civil rights lawsuit be dismissed, without prejudice, for Plaintiff's failure to notify the Court of a change of address or his whereabouts—as well as his failure to communicate with the Court since March 2017. A copy of this Report was sent to Plaintiff at his last provided address; return receipt requested. However, to date, no objections to the Report have been filed. Moreover, the Court still has not heard from Plaintiff since March 2017 and he still has not filed an update concerning his address or whereabouts.

Because Plaintiff has failed to file objections to Judge Love's Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #15), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that the above-styled civil rights lawsuit is **DISMISSED**, without prejudice, for Plaintiff’s failure to prosecute or obey an order of the Court. Further, it is

ORDERED that any and all motions which may be pending in this action are hereby **DENIED**.

So **ORDERED** and **SIGNED February 7, 2019**.



Ron Clark, Senior District Judge