

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

---

JERRY SALMON

\*

Plaintiff,

\*

v.

\*

1:08-CV-355-MEF

(WO)

SHERIFF ANDY HUGHES, *et al.*,

\*

Defendants.

---

\*

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Plaintiff filed this 42 U.S.C. § 1983 action on May 15, 2008. When he filed this complaint, Plaintiff was an inmate incarcerated at the Houston County Jail located in Dothan, Alabama. On May 16, 2008 the court entered an order of procedure which instructed Plaintiff, among other things, to inform the court of any change in his address. (*Doc. No. 4.*) All parties have an affirmative obligation to notify the court of any change of address.

On August 4, 2008 the envelope containing Plaintiff's copy of an order filed July 28, 2008 was returned to the court marked as undeliverable because Plaintiff was no longer at the address he provided to the court when he filed this action. Consequently, an order was entered on August 5, 2008 directing Plaintiff to provide the court with his present address on or before August 15, 2008. (*Doc. No. 25.*) Plaintiff was cautioned that his failure to comply with the court's August 15 order would result in a recommendation that this case be dismissed. (*Id.*) The envelope containing Plaintiff's copy of this order was returned to the court on August 13, 2008 marked as undeliverable.

It is clear that Plaintiff is no longer incarcerated at the Houston County Jail and that he has not provided this court with his current address. The undersigned, therefore, concludes that this case is due to be dismissed for Plaintiff's failures to comply with the orders of the court and to prosecute this action

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be DISMISSED without prejudice for Plaintiff's failures to comply with the orders of the court and to prosecute this action.

It is further

ORDERED that the parties are DIRECTED to file any objections to the said Recommendation on or before **September 16, 2008**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which a party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a *de novo* determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981)(*en banc*), adopting as binding precedent all of the

decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

DONE, this 3<sup>rd</sup> day of September, 2008.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
CHIEF UNITED STATES MAGISTRATE JUDGE