

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

RICKY LEE WEBB, JR.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:08-CV-676-TMH
)	[WO]
)	
OFFICER BARNES, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On August 20, 2008, Ricky Lee Webb, Jr. [“Webb”], a county inmate, filed the instant 42 U.S.C. § 1983 action challenging actions taken against him during his confinement in the Houston County Jail. The order of procedure entered in this case required Webb to immediately inform the court of any change in his address. *Order of August 25, 2008 - Court Doc. No. 4* at 5. On September 19, 2008, the postal service returned correspondence which had been mailed to Webb because he no longer resided at the address last provided for service. In light of the foregoing, the court entered an order requiring that on or before October 10, 2008 Webb show cause why this case should not be dismissed for his failure to provide the court his present address. *Order of October 1, 2008 - Court Doc. No. 13* at 1. The court specifically cautioned Webb that failure to comply with the directives of this order would result in a recommendation that this case be

dismissed. *Id.* at 2. The plaintiff has filed nothing in response to the October 1, 2008 order. The court therefore concludes that this case is due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to properly prosecute this action and his failure to comply with the orders of this court. It is further

ORDERED that on or before December 4, 2008 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. 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 advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th 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 21st day of November, 2008.

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