

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

| | | |
|------------------------------|---|----------------------------------|
| SIMEON L. JOHNSON, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 1:08-CV-870-TMH |
| |) | [WO] |
| |) | |
| HOUSTON COUNTY JAIL, et al., |) | |
| |) | |
| Defendants. |) | |

RECOMMENDATION OF THE MAGISTRATE JUDGE

On October 30, 2008, Simeon L. Johnson [“Johnson”], a county inmate, filed this 42 U.S.C. § 1983 action challenging the medical treatment provided to him for an ankle injury during his confinement in the Houston County Jail. The order of procedure entered in this case required Johnson to immediately inform the court of any change in his address. *Order of October 31, 2008 - Court Doc. No. 4* at 6. On November 3, 2008, the court entered a Recommendation a copy of which the Clerk mailed to Johnson. The postal service returned this order to the court because Johnson no longer resided at the address he had provided for service. In light of the foregoing, the court entered an order requiring that on or before December 3, 2008 Johnson show cause why this case should not be dismissed for his failure to provide the court his present address. *Order of November 19, 2008 - Court Doc. No. 10* at 1. The court specifically cautioned Johnson that failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* The plaintiff has

filed nothing in response to the November 19, 2008 order. The court therefore concludes that this case is due to be dismissed.

CONCLUSION

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 23, 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

