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

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REGINALD B. GOINES, #65067,

Plaintiff, \*

v. \* 1:10-CV-794-ID (WO)

CLEMMONS, RICHARD E., et al.., \*

Defendants.

## RECOMMENDATION OF THE MAGISTRATE JUDGE

This 42 U.S.C. § 1983 action was filed by Plaintiff on September 21, 2010. On September 23, 2010 the court entered an order directing Plaintiff to amend his complaint. (*Doc. No. 4.*) On October 1, 2010 Plaintiff's copy of the court's September 23 order was returned to the court marked as undeliverable because Plaintiff was no longer at the most recent address he had provided to the court. Consequently, a show cause order was entered on October 12, 2010 directing Plaintiff to provide the court with his present address. (*Doc. No. 5.*) Plaintiff was cautioned that his failure to comply with the court's October 12 order would result in a recommendation that this case be dismissed. (*Id.*)

Plaintiff has filed no response to the court's October 12 order. As it appears clear that Plaintiff is no longer residing at the most recent address he provided to the court and that he has not provided this court with a new address nor replied to the court's order to show cause, the undersigned concludes that dismissal of the complaint is appropriate.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be

DISMISSED without prejudice for Plaintiff's failures to prosecute this action properly and to

comply with the orders of this court.

It is further

ORDERED that the parties are DIRECTED to file any objections to the Recommendation

on or before November 11, 2010. 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 (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 28<sup>th</sup> day of October, 2010.

/s/Charles S. Coody

CHARLES S. COODY

UNITED STATES MAGISTRATE JUDGE

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