

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

CARSON LEE KENNARD, II,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:13-CV-818-WHA
)	[WO]
JASMINE SAUNDERS,)	
)	
Defendant.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff filed this *pro se* 42 U.S.C. § 1983 action on November 6, 2013. At the time he filed this complaint, Plaintiff was incarcerated at the Geneva County Jail located in Geneva, Alabama, which is the last address the court has on file for Plaintiff. All parties have an affirmative duty to inform the court of any change of address during the pendency of their actions.

On November 25, 2013, Plaintiff’s copies of orders and a Recommendation filed November 7, 2013, were returned to the court marked as undeliverable. Consequently, the court entered an order on December 12, 2013, directing Plaintiff to provide the court with his present address on or before December 23, 2013. *Doc. No. 8*. Plaintiff was cautioned that his failure to comply with the court’s December 12 order would result in a recommendation that this case be dismissed. *Id.* Plaintiff’s copy of the court’s December 12 order was returned to the court on December 23, 2013, marked as undeliverable.

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 for service, 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 said Recommendation on or before **January 21, 2014**. 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 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 6th day of January, 2014.

/s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
UNITED STATES MAGISTRATE JUDGE