

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

ANTWOINE GILES, #250277,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:08-CV-980-WKW
)	[WO]
KENNETH JONES, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Antwoine Giles [“Giles”], an indigent inmate, initiated this 42 U.S.C. § 1983 complaint challenging actions taken against him during his confinement at the Bullock County Correctional Facility in December of 2008. The order of procedure entered in this case specifically directed Giles to immediately inform the court of any change in his address. *Order of December 16, 2008 - Court Document No. 4* at 6.

This court recently ascertained information indicating that the plaintiff no longer resided at the address he had last provided for service. In light of the foregoing, the court entered an order requiring that on or before November 15, 2010 Giles inform the court of his present address. *Order of November 5, 2010 - Court Doc. No. 29*. This order specifically cautioned Giles that his failure to comply with its directives would result in a recommendation that this case be dismissed. *Id.* The court has received no response from Giles to the aforementioned order. As is clear from the foregoing, Giles has failed to comply with the orders entered by this court and this case cannot properly proceed in his absence. 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 prosecute this action.

It is further

ORDERED that on or before December 3, 2010 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 19th day of November, 2010.

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