

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

STANLEY UNDERWOOD, #195177,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:09-CV-69-TMH
)	[WO]
)	
)	
CHRIS ROBERTSON, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Stanley Underwood ["Underwood"], a state inmate, filed this 42 U.S.C. § 1983 action in which it appeared he sought to challenge actions taken against him during his confinement at the Ventress Correctional Facility. Subsequently, the court required Underwood to file an amended complaint on or before March 11, 2009. *Order of February 20, 2009 - Court Doc. No. 16*. The court specifically cautioned Underwood that his "fail[ure] to comply with the directives of this order" would result in entry of a Recommendation "that this case be dismissed." *Id.* at 2. As of the present date, Underwood has failed to file an amended complaint in compliance with the aforementioned order of this court. The court therefore concludes that this case should be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to file an amended complaint in accordance with the directive of the order entered in this case on February 20, 2009.

It is further

ORDERED that on or April 7, 2009 the parties may file objections to the Recommendation. Any objection must specifically identify the findings in the Recommendation objected to. 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 in the Recommendation 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 decisions of the former Fifth Circuit issued prior to September 30, 1981.

Done this 25th day of March, 2009.

/s/Charles S. Coody
CHARLES S. COODY
UNITED STATES MAGISTRATE JUDGE