

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

JEFFREY GLOVER, #260385,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:09-CV-262-TMH
)	
JOHN CUMMINS, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

Jeffrey Glover [“Glover”], a state inmate, filed this 42 U.S.C. § 1983 action on March 30, 2009. In this complaint, Glover challenges actions taken against him during his confinement at the Kilby Correctional Facility. On October 7, 2009, this court entered an order, a copy of which the Clerk mailed to Glover. The postal service returned this order because Glover no longer resided at the address he had last provided to the court. The order of procedure entered in this case specifically directed Glover to immediately inform the court of any change in his address. *Order of March 31, 2009 - Court Document No. 4* at 6. In light of the foregoing, the court entered an order requiring that on or before October 30, 2009 Glover inform the court of his present address. *Order of October 21, 2009 - Court Doc. No. 44*. Glover has filed nothing in response to the October 21, 2009 order and this case cannot properly proceed in his absence. The court therefore concludes that this case is due to be dismissed.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to comply with the orders of this court. It is further

ORDERED that **on or before November 16, 2009** 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 3rd day of November, 2009.

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