

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

DARREN LLOYD EASTERLING,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 2:09-CV-566-TMH
	)	
KEVIN DAVIS, et al.,	)	
	)	
Defendants.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

Darren Lloyd Easterling ["Easterling"], an indigent inmate, initiated this 42 U.S.C. § 1983 complaint challenging the communication system provided to inmates in the Chilton County Jail. On May 18, 2009, this court entered orders in a companion case filed by Easterling, *Easterling v. Davis, et al.*, Case No. 2:09-CV-437-TMH-TFM (M.D. Ala. 2009), copies of which the Clerk mailed to Easterling. The postal service returned these orders because Easterling no longer resides at the address he provided to the court. In light of the foregoing, the court entered an order in this case requiring that on or before June 26, 2009 Easterling inform the court of his present address. *Order of June 17, 2009 - Court Doc. No. 6*. This order specifically cautioned Easterling that his failure to comply with its directives would result in a recommendation that this case be dismissed. *Id.* Easterling has filed nothing in response to the June 17, 2009 order. 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 properly prosecute this action. It is further

ORDERED that on or before July 17, 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 2<sup>nd</sup> day of July, 2009.

/s/Terry F. Moorer  
TERRY F. MOORER  
UNITED STATES MAGISTRATE JUDGE