

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

JOSEPH ALLEN HENDERSON, #246414,)

Plaintiff,)

v.)

KILBY MEDICAL STAFF, et al.,)

Defendants.)

CASE NO. 2:09-CV-955-TMH
[WO]

RECOMMENDATION OF THE MAGISTRATE JUDGE

Joseph Allen Henderson [“Henderson”] initiated this 42 U.S.C. § 1983 complaint challenging the failure to timely provide him his insulin on one occasion in August of 2009. On October 15, 2009, this court entered orders, copies of which the Clerk mailed to Henderson. The postal service returned these orders because Henderson no longer resided at the address he had provided to the court. In light of the foregoing, the court entered an order requiring that on or before October 30, 2009 Henderson inform the court of his present address. *Order of October 20, 2009 - Court Doc. No. 7*. This order specifically cautioned Henderson that his failure to comply with its directives would result in a recommendation that this case be dismissed. *Id.* Henderson has filed nothing in response to the October 20, 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 prosecute this action. It is

further

ORDERED that on or before November 24, 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 10th day of November, 2009.

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