

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

CLEMITAY ANTWAN HELMS,
#259202,

Plaintiff,

v.

WARDEN STRICKLAND,
OFFICER FERDINARD,
OFFICER PALMER, OFFICER
PHILLIPS, SGT. HAYNES,
TAHIR SIDDIQ, and NURSE
DUPREE,

Defendants.

CASE NO. 2:16-CV-743-WKW
[WO]

ORDER

Before the court is the Recommendation of the Magistrate Judge. (Doc. # 9.)

There being no timely objection filed to the Recommendation and based upon an independent review of the record, it is ORDERED as follows:

1. The Recommendation of the Magistrate Judge (Doc. # 9) is ADOPTED; and

2. This case is DISMISSED without prejudice for Plaintiff Clemitay Antwan Helms's failure to prosecute this action properly.¹

¹ Plaintiff's last activity in this case was in early October 2016, when he filed an amended complaint in compliance with the court's order. (See Doc. # 4 (Order); Doc. # 5 (Am. Compl.).)

A final judgment will be entered separately.

DONE this 4th day of January, 2017.

/s/ W. Keith Watkins

CHIEF UNITED STATES DISTRICT JUDGE

At the time he commenced this action, Mr. Helms was a state inmate confined at the Bullock Correctional Facility; however, beginning in November 2016, the court's orders, which were mailed to Mr. Helms at the Bullock Correctional Facility's address, were returned as undeliverable. In December 2016, the court learned, through its own investigation, that Mr. Helms has been released from state custody and that there is no forwarding address on file in the records of the Alabama Department of Corrections. Because Mr. Helms has failed to inform the court of his new address and his whereabouts are not discoverable, dismissal of this action is appropriate for Plaintiff's failure to prosecute.