

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>LIONEL RUSSELL,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	Case No. 2:23-cv-01357-LCB-NAD
	)	
<b>BRANDON MCKENZIE, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

**ORDER**

Lionel Russell, an Alabama state prisoner, brought this suit under 42 U.S.C. § 1983. (Doc. 1). On September 24, 2024, Magistrate Judge Danella noted Russell’s correct mailing address had changed, directed that his address be updated, and ordered Russell to notify the court, within 14 days, that the updated address was correct and that Russell wished to continue prosecuting this action. (Doc. 14). Judge Danella cautioned Russell that the failure to comply within the time permitted could result in the Court dismissing this case for lack of prosecution. (*Id.*, at 2).

When Russell failed to comply with or otherwise respond to that order, Judge Danella entered a report in which he recommended that the Court dismiss this action without prejudice based on Russell’s failure to prosecute. (Doc. 15). In the report, Judge Danella advised Russell of his right to file specific written objections within

14 days. (*Id.*, at 2-3). That time has expired without Russell filing objections or any other pleadings with the court.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court **ADOPTS** Magistrate Judge Danella's report and **ACCEPTS** the recommendation. Accordingly, the Court **ORDERS** that this action is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute. The Clerk is **DIRECTED** to close this case.

For information regarding the cost of appeal, see the attached notice.

**DONE** and **ORDERED** this November 26, 2024.

A handwritten signature in black ink, appearing to read 'Liles C. Burke', written over a horizontal line.

**LILES C. BURKE**  
UNITED STATES DISTRICT JUDGE

**United States Court of Appeals**

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

David J. Smith  
Clerk of Court

In Replying Give Number  
of Case and Names of Parties

**NOTICE TO PRISONERS CONCERNING CIVIL APPEALS**

The Prison Litigation Reform Act of 1995 **REQUIRES** that all prisoners pay the Court's \$60.00 docket fee plus \$5.00 filing fee (for a total of \$605.00) when appealing any civil judgment.

If you wish to appeal in a civil case that Act **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$605.00 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$605.00 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10.00. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$605.00 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, **BUT THE TOTAL \$605.00 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.**)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$605.00 fee is collected, even if an appeal is unsuccessful.

David J. Smith  
Clerk of Court

PLRA Notice