

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

HOOVER REYNOLDS,

)

Plaintiff,

)

)

v.

)

CIVIL ACTION NO. 05-0046-CG-M

)

)

GRANT CULLIVER, et al.,

)

)

Defendants.

ORDER

This matter is before the court on the report and recommendation of the magistrate judge (Doc. 7) and plaintiff’s response (Doc. 8). The magistrate judge recommended that the action be dismissed for failure to prosecute and to comply with this court’s order. Plaintiff responds that he has complied with this court’s orders and that the court’s orders were not sent to his correct address.

Upon consideration, the court finds it appropriate to refer the case back to the magistrate judge to consider plaintiff’s response. **Accordingly the court declines to adopt the report and recommendation of the magistrate judge and hereby refers the matter to the magistrate judge for consideration of plaintiff’s response.**

DONE and ORDERED this 7th day of June, 2005.

/s/ Callie V. S. Granade
CHIEF UNITED STATES DISTRICT JUDGE