

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

CALVIN MAURICE ALLEN,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 13-00417-KD-B
)	
SAM COCHRAN and TREY OLIVER,)	
III,)	
Defendants.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue raised, and there having been no objections filed, the Report and Recommendation (Doc. 4) of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated May 8, 2014, is **ADOPTED** as the opinion of this Court.

Accordingly, it is **ORDERED** that this action is **DISMISSED with prejudice** as frivolous, prior to service of process, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).¹

Final judgment in accordance with this Order and Federal Rule of Civil Procedure 58 shall issue by separate document.

DONE and ORDERED this the **3rd** day of **June 2014**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE

¹ Dismissal is also warranted pursuant to Federal Rule of Civil Procedure 41(b) due to Plaintiff's failure to comply with the Court's Order dated September 17, 2013 (Doc. 3), which states, in relevant part: "Plaintiff must advise the Court immediately of a change in address, e.g., when Plaintiff is transferred, released, etc. Failure to do so will result in the dismissal of this action for failure to prosecute and to obey the Court's order." Plaintiff has failed to notify the Court that he is no longer at Mobile County Metro Jail. (See Doc. 6 [Returned Mail]).