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

SOLOMON L. HENDERSON,	:
Plaintiff,	:
vs.	: CIVIL ACTION 15-00280-KD-N
BILLY BOWEN, et al,	:
Defendants.	:

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issue

raised, and no objections having been filed, the Report and Recommendation of the Magistrate

Judge (doc. 8) made under 28 U.S.C. § 636(b)(1)(B) is ADOPTED as the opinion of this court. It

is ORDERED that this action is DISMISSED without prejudice for failure to prosecute.

It is further ORDERED that plaintiff's claims are dismissed because he failed to comply

with this Court's orders. Specifically, plaintiff was ordered to complete and file this Court's form

for a complaint under 42 U.S.C. § 1983 and pay the filing fee, or in lieu thereof, to file this

Court's motion to proceed without prepayment of fees. (Doc. 6) In that order, plaintiff was

cautioned that failure to comply within the prescribed time frame or to advise the Court of a

change in address would result in a recommendation that this action be dismissed without

prejudice for failure to prosecute and to obey the Court's Order. (Id.)

Plaintiff failed to act as ordered and the Magistrate Judge filed a report with a

recommendation that this action be dismissed without prejudice for failure to prosecute and to

obey the Court's Order. The report and recommendation was mailed to the address plaintiff

provided: Easterling Correctional Facility, 200 Wallace Drive, Clio, Alabama 36017.

The mail was returned and marked "Return to Sender, Not Here" (Doc. 7) which indicates that he has been released or transferred. However, according to the Alabama Department of Corrections Inmate Locator, he is not an inmate with the Department. Therefore, plaintiff has failed to obey this Court's order to immediately provide his change in address if he is transferred or released.

DONE this 19th day of August 2015.

         s/ Kristi K. DuBose
         UNITED STATES DISTRICT JUDGE