

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

TOM CARSTARPHEN,  
Plaintiff,

v.

MOBILE COUNTY SHERIFF, *et al.*,  
Defendants.

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CIVIL ACTION 15-00519-KD-C

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated December 9, 2016, is **ADOPTED** as the opinion of this Court with the following **ADDITIONAL** findings: Plaintiff’s Objection (Doc. 32) is an attempt to file an untimely amended complaint but in doing so, Plaintiff fails to address the reasons for the dismissal of his case (*i.e.*, his failure to respond to the Court’s July 25, 2016 Order (Doc. 26) and failure to respond to the Defendant’s motions to dismiss).

Accordingly, it is **ORDERED** that Defendant City of Mobile Police Department’s Motion to Dismiss (Doc. 27) and Defendant Mobile County Sheriff Sam Cochran’s Motion to Dismiss (Doc. 29) are **GRANTED** such that Plaintiff’s Complaint is hereby **DISMISSED WITH PREJUDICE** for failure to comply with a court order pursuant to Rule 41(b).

**DONE and ORDERED** this the **21<sup>st</sup>** day of **December 2016**.

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