

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

D'MARIO ALLEN, #0718005,

Plaintiff,

v.

M. MOODY, et al.,

Defendants.

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CIVIL ACTION 1:17-00565-KD-MU

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised and there having been no objections filed, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated January 4, 2018 is **ADOPTED** as the opinion of this Court. Accordingly, it is **ORDERED** that Plaintiff's case is **DISMISSED** without prejudice due to his failure to pay the partial filing fee.¹

DONE and ORDERED this the 16th day of April 2018.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

CHIEF UNITED STATES DISTRICT JUDGE

¹ The Report and Recommendation was sent to Plaintiff at his address of record (Mobile County Metro Jail, P.O. Box 104, Mobile, AL, 36601) via regular mail, but on March 28, 2018, was returned as undeliverable: "return to sender no longer here." (Doc. 5). The Court reviewed the ADOC Inmate Locator website and is unable to locate Plaintiff. Per the Court's prior order (Doc. 3 at 2 at ¶6) Plaintiff was ordered to: "advise the Court immediately of a change in address, e.g., when Plaintiff is transferred, released, etc., or suffer the dismissal of this action for failure to prosecute and to obey the Court's order." Plaintiff's failure to do so is deemed a failure to prosecute and failure to obey the Court's order.