

1 NOT FOR PUBLICATION
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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Randy Buck Hood,

10 Plaintiff,

11 v.

12 Maricopa County Jails, *et al.*,

13 Defendants.
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No. CV-15-01916-PHX-JJT

ORDER

15 At issue is the Report and Recommendation (R&R) submitted in this matter by
16 Magistrate Judge Deborah M. Fine on February 19, 2016. (Doc. 10.) In the R&R, Judge
17 Fine recommended that the Court dismiss this matter without prejudice because Plaintiff
18 failed to comply with LR. Civ. 83.3(d), which required him to file a notice of change of
19 address within seven days after the effective date of the change, by not informing the
20 Court or the remaining Defendant of any forwarding address after his release from
21 custody. The time to object to the R&R has expired and Plaintiff failed to object to the
22 recommendation, which entitles the Court to treat Plaintiff as assenting to the adoption of
23 the R&R. But even upon an independent review of the R&R on the merits, the Court
24 concludes it is appropriate to dismiss the case. As a practical matter, because of
25 Plaintiff's failure to provide a current address or to participate in the litigation, the Court
26 has no way to contact Plaintiff to inform him of the progress of the case or to otherwise
27 ensure that orders it issues in order to manage the progress of this matter reach Plaintiff
28 so he might comply with them.

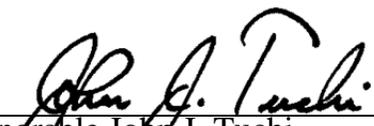
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Judge Fine correctly recommends that the matter should be dismissed without prejudice, as this is the least severe sanction available to address the practical effects of Plaintiff's failure to comply with the rules.

IT IS ORDERED adopting in whole Judge Fine's R&R (Doc. 10) and the reasoning therein.

IT IS FURTHER ORDERED dismissing this matter without prejudice and instructing the Clerk to close it.

Dated this 25th day of April, 2016.



Honorable John J. Tuchi
United States District Judge