

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

MICHAEL RAY HIGGS

PLAINTIFF

v.

Civil No. 1:08-cv-01092

UNION COUNTY JUSTICE FACILITY;
KEN JONES, Union County Sheriff; LT.
JOHN WILLIAMS; and CHIEF JERRY THOMAS

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, Michael Ray Higgs (hereinafter Higgs), filed this action pursuant to the provisions of 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*. Pursuant to the provisions of 28 U.S.C. § 636(b)(1) and (3)(2007), the Honorable Harry F. Barnes, United States District Judge, referred this case to the undersigned for the purpose of making a report and recommendation.

At the time he filed this case, Higgs was incarcerated at the Union County Justice Facility in El Dorado, Arkansas. In April of 2009, Higgs was transferred to the Grimes Unit of the Arkansas Department of Correction in Newport, Arkansas.

On September 3, 2009, mail sent to Higgs at the Grimes Unit was returned to the Court with the notation that he had been paroled. Since September, Higgs has not provided the Court with his new address and neither the Court nor opposing counsel has not had a valid address for him. The Court attempted to obtain an address on Higgs by utilizing a database known as Arkansas JusticeXchange, www.justicexchange.com. However, Higgs is listed as having absconded parole.

I therefore recommend that this case be dismissed based on Higgs' failure to prosecute this action and his failure to keep the Court informed of his current address.

The parties have fourteen (14) days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely

objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 4th day of December 2009.

/s/ Barry A. Bryant _____
HON. BARRY A. BRYANT
UNITED STATES MAGISTRATE JUDGE