

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

DAMON JONES

PLAINTIFF

V.

CIVIL NO. 1:10-cv-01006

SHERIFF DANNY FOSTER; and
CPT. TRUMAN YOUNG

DEFENDANTS

ORDER

Before the Court is the Report and Recommendation filed October 16, 2012 by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 46). Judge Bryant has reviewed Defendants' Motion to Dismiss, (ECF No. 42), and recommends dismissal because Plaintiff failed to comply with a Court Order and failed to prosecute his case. The parties have not filed objections to the Report and Recommendation, and the time for doing so has passed. *See* 28 U.S.C. § 636(b)(1). After a *de novo* review of the record, the Court adopts Judge Bryant's report as its own.

Plaintiff has apparently moved from the address where he resided at the time this action was filed. All mail has since been returned to the Court as undeliverable. Judge Bryant advised Plaintiff on at least three separate occasions that he must keep the court informed of his current address, and he has not done so. Plaintiff also did not respond to Defendants' Motion to Dismiss.

On October 1, 2012, Judge Bryant issued a Show Cause Order (ECF No. 44) giving Plaintiff 12 days to show cause why this case should not be dismissed based on his failure to keep the Court informed of his current address. Plaintiff failed to respond. Plaintiff's failure to

comply with Judge Bryant's Order and failure to prosecute his case is grounds for dismissal. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962).

Accordingly, the Court adopts Judge Bryant's Report and Recommendation in its entirety. For the reasons stated above, and those in Judge Bryant's report, Defendants' Motion to Dismiss should be and hereby is **GRANTED**, and the case is **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED, this 5th day of December, 2012.

/s/ Susan O. Hickey
Hon. Susan O. Hickey
United States District Judge