

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

REX LEE RITCHIE

PLAINTIFF

v.

Civil No. 08- 2038

MIKE ALLEN;
JEFF MARVIN;
WATERDOWN;
IRWIN;
ALISON; CHRIS; and
LANGLEY

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

On December 9, 2008, Defendants filed notice (Doc. 37) of returned mail sent to Plaintiff. (Doc. 37). This was the third notice of returned mail sent to the Court. As with the other notices of returned mail, the Court sought a new address for Plaintiff through Justicexchange.com and filed an Order directing the Clerk of Court to change the address of record on Plaintiff's behalf. (Doc. 38). However, mail sent to the address of record has come back to the Court as undeliverable, despite the most recent change of address.

Accordingly, it is the recommendation of the undersigned that the above styled case be dismissed without prejudice for failure to prosecute, failure to obey an Order of the Court, and/or failure to comply with Local Rule 5.5 (c) (2) fo the Eastern and Western Districts of Arkansas.

Plaintiff has ten (10) days from receipt of this 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. Plaintiff is reminded that objections must be both timely and specific to trigger de novo review by the district court.

Dated this 18th day of June, 2009.

/s/ J. Marschewski
HONORABLE JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE