

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

ROBERT SCOTT PHILPOTT

PLAINTIFF

v.

Civil No. 08- 2135

OFFICER GRISIM, Fort Smith
Police Department

DEFENDANT

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Robert S. Philpott filed this *pro se* civil rights action pursuant to 42 U.S.C. § 1983 on December 8, 2008. His complaint was filed *in forma pauperis* (IFP).

On April 1, 2009, the undersigned entered an order (Doc. 5) directing Philpott to complete, sign and return an attached addendum to his complaint. The addendum was to be returned by April 20, 2009. To date, the plaintiff has failed to respond to the addendum. The court's order and attached addendum have not been returned as undeliverable. The order was mailed to address provided to the court by the plaintiff. Plaintiff has not informed the court of any change in his address.

I therefore recommend plaintiff's claims be dismissed on the grounds he has failed to prosecute this action and comply with the order of the court. *See* Fed. R. Civ. P. 41(b). **Philpott has ten 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. Philpott is reminded that objections must be both timely and specific to trigger de novo review by the district court.**

DATED this 21st day of May 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE