

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

CODY ALLAN RICHARDS

PLAINTIFF

v.

Civil No. 09-2055

SHERIFF MIKE ALLEN;
SGT. BISHOP; ROBERT
PRESTLEY; and DUSTIN
McDANIELS

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff, Cody Allan Richards, filed this civil rights action pursuant to the provisions of 42 U.S.C. § 1983. He proceeds *pro se* and *in forma pauperis*. When he filed the case on May 13, 2009, Richards was incarcerated in the Crawford County Detention Center.

At the time Richards filed the action, he was informed that he had an obligation under the rules of this court to keep the court informed of any changes in his address. Rule 5.5 of the Local Rules of the Eastern and Western Districts of Arkansas. On May 20, 2009, all mail sent to Richards at the detention center was returned as undeliverable with a notation that he was no longer at that address. Richards failed to provide the court with his new address.

Richards has not contacted the court since he filed the complaint on May 13th. The court has not had a valid address for Richards since all mail was returned to it as undeliverable on May 20th.

I therefore recommend that this action be dismissed based on Richard's failure to prosecute this action and his failure to keep the court informed of his current address. Fed. R. Civ. P. 41(b); Rule 5.5 of the Local Rules of the Eastern and Western Districts of Arkansas.

Richards 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. Richards is reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 11th day of August 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE