

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

LEWIS O'NEAL CASON

PLAINTIFF

v.

Civil No. 09-2056

OZARK POLICE DEPARTMENT

DEFENDANT

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Lewis O'Neal Cason submitted this *pro se* action for filing under the provisions of 42 U.S.C. § 1983. The complaint (Doc. 1) was provisionally filed and Cason was granted leave to proceed *in forma pauperis* (IFP)(Doc. 3).

The complaint, however, was missing the page that should have contained Cason's address. Cason's complaint was submitted in an envelope containing a return address of Judge Josiah Stone, RR 3 Box 292-5, Muldrow, OK 74948-9550. On May 11, 2009, a court staff member sent a letter to Judge Josiah Stone asking him to provide the court with Cason's address. To date the court has not been provided with Cason's address.

On June 16, 2009, an order was entered (Doc. 4) giving Cason until July 6, 2009, to provide this court with his address. A copy of the order was mailed to Cason care of Judge Josiah Stone. Cason was advised if the court did not have an address for him by July 6, 2009, that I would recommend that this case be dismissed for failure to prosecute and failure to obey the order of the court. No response has been made to the order.

I therefore recommend that the complaint be dismissed based on Cason's failure to prosecute this action and his failure to obey an order of the court. Fed. R. Civ. P. 41(b). **The clerk**

is directed to send a copy of this report and recommendation to Cason care of Judge Josiah Stone, RR 3 Box 292-5, Muldrow, OK 74948-9550.

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

Dated this 14th day of July 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE