

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

CARL EDWARD MYERS

PLAINTIFF

v.

CASE No. 09-2079

FIRESTONE - ROGERS AVE. STORE

DEFENDANT

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

Plaintiff's complaint has been filed pursuant to the Age Discrimination in Employment Act and Title VII of the Civil Rights Act on July 10, 2009. (Doc. 1). On that same date, the Court provided an addendum to the Plaintiff, in order to assist the Court with reviewing Plaintiff's Complaint and his Motion to Proceed *In Forma Pauperis*. (Doc. 4). Plaintiff was ordered to complete and return the addendum on or before August 10, 2009.

Plaintiff has not returned the addendum to the Court. Moreover, Plaintiff has continued to correspond with the Court and has provided no new address. No mail has been returned to the Court from Plaintiff.

Accordingly, it is the recommendation of the undersigned that Plaintiff's Complaint (Doc. 1) be dismissed for failure to obey a Court Order and/or for failure to prosecute. *See* Fed. R. Civ. P. 41.

The parties have 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 waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the district court.

DATED this 5th day of October 2009.

/s/ J. Marschewski

HON. JAMES R. MARSCHEWSKI
UNITED STATES MAGISTRATE JUDGE