

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

ROBERT LUTHER JOHNSON, JR.

PLAINTIFF

v.

Case No. 2:11-CV-02140

SERGEANT RITTER; CAPTAIN CONGER;  
SHERIFF HOLLENBECK, Sebastian County,  
Arkansas; DR. TINSMAN; and NURSE LORA

DEFENDANTS

**ORDER**

Currently before the Court is the Report and Recommendation (Doc. 24) filed in this case on August 17, 2012, by the Honorable James R. Marschewski, Chief United States Magistrate Judge for the Western District of Arkansas. The objection period has passed without objections being filed by either party.

Defendants in this case filed a Motion to Dismiss on October 31, 2011. Plaintiff did not respond to Defendants' Motion. On July 26, 2012, Judge Marschewski issued a Show Cause Order, directing Defendant to respond to Defendants' Motion by August 13, 2012. Plaintiff did not respond to or comply with the Court's Show Cause Order. On August 17, 2012, Judge Marschewski filed the currently-pending Report and Recommendation, recommending that Plaintiff's case be dismissed with prejudice for failure to obey the order of the Court and failure to prosecute, citing Federal Rule of Civil Procedure 41(b). Plaintiff has not filed objections to the Report and Recommendation, nor has he filed anything in this case in almost a year.

Mail was returned to the Court marked as undeliverable, unable to forward, on August 24, 2012. It appears, therefore, that Plaintiff did not receive either the Show Cause Order or the Magistrate's Report and Recommendation. Judge Marschewski, it appears, did not receive any notification that the mail was undeliverable at the time that he filed his Report and Recommendation.

Because Plaintiff did not receive the Show Cause Order, the Court cannot find that his case should be dismissed for failure to obey that Court Order. The Court finds, however, that Plaintiff's case should nonetheless be dismissed for failure to prosecute. Plaintiff has not filed anything in this case for almost a year. Furthermore, as Judge Marschewski previously cautioned Plaintiff, **"it is [Plaintiff's] obligation to keep the Court informed of his current address at all times. The Court has no obligation to attempt to locate the Plaintiff. Plaintiff is advised that failure to keep the Court informed of current address will result in the summary dismissal of this case."** (Doc. 21) (emphasis in original).

The Court has reviewed this case and, being well and sufficiently advised, finds as follows: The Court adopts the Report and Recommendation as to the ultimate recommendation that Plaintiff's case be dismissed for failure to prosecute. The Court adopts this recommendation for the reasons set forth herein above.

Accordingly, Plaintiff's Complaint is DISMISSED WITH PREJUDICE for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

IT IS SO ORDERED this 26th day of September, 2012.

*P. K. Holmes, III*

P.K. HOLMES, III  
CHIEF U.S. DISTRICT JUDGE