

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

KENNETH W. YOUNG

PLAINTIFF

v.

CASE NO.: 4:08-cv-04117

**MILLER COUNTY, ARKANSAS;
MILLER COUNTY JAIL;
SHERIFF RAMBO;
WARDEN JANICE NICHOLSON;
and
SGT. DOLLY SIMMONS**

DEFENDANTS

REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE

On September 3, 2009, this Court entered an Order to Show Cause (Doc. 9), directing the Plaintiff to show cause as to why this case should not be dismissed for failure to follow an Order of the Court and failure to prosecute. Plaintiff's response was returnable on or before October 2, 2009. This date has passed and Plaintiff has filed no response with the Court. Additionally, mail has been returned to the Court as undeliverable.¹ Plaintiff has provided no new address and the Court can find none.

Accordingly, it is the Report and Recommendation of the undersigned that the above-styled case be dismissed for failure to follow and Order of the Court and failure to prosecute.

The parties have ten (10) days from receipt of this 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. The parties are reminded that

¹ The Court notes the returned mail included the Order to Show Cause, but not the Order directing Plaintiff to complete and return an addendum. (Doc. 7). It was the failure of Plaintiff to return the addendum which caused the Order to Show Cause (Doc. 9) to be issued by the Court.

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

IT IS SO ORDERED this 23rd day of October 2009.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT

UNITED STATES MAGISTRATE JUDGE