

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

JAMES DONALD EVERS

PLAINTIFF

v.

CASE NO.: 09-cv-04017

MILLER COUNTY CORRECTIONAL FACILITY

DEFENDANT

**REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE**

On May 11, 2009, Plaintiff entered a change of address with the Court. (Doc. 6). The Court updated Plaintiff's address accordingly. However, mail was returned to the Court on September 1, 2009; September, 14, 2009; and on October 19, 2009. Subsequent attempts to resend mail to alternative addresses were also unsuccessful. No new address can be found for Plaintiff, and Plaintiff has not contacted the Court in any manner since May 2009.

Accordingly, it is the Recommendation of the undersigned that the above-styled case be dismissed for violation of Local Rule 5.5, failure to follow an 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 objections must be both timely and specific to trigger de novo review by the district court.**

IT IS SO ORDERED this 6th day of November 2009.

/s/ Barry A. Bryant

HON. BARRY A. BRYANT

UNITED STATES MAGISTRATE JUDGE